

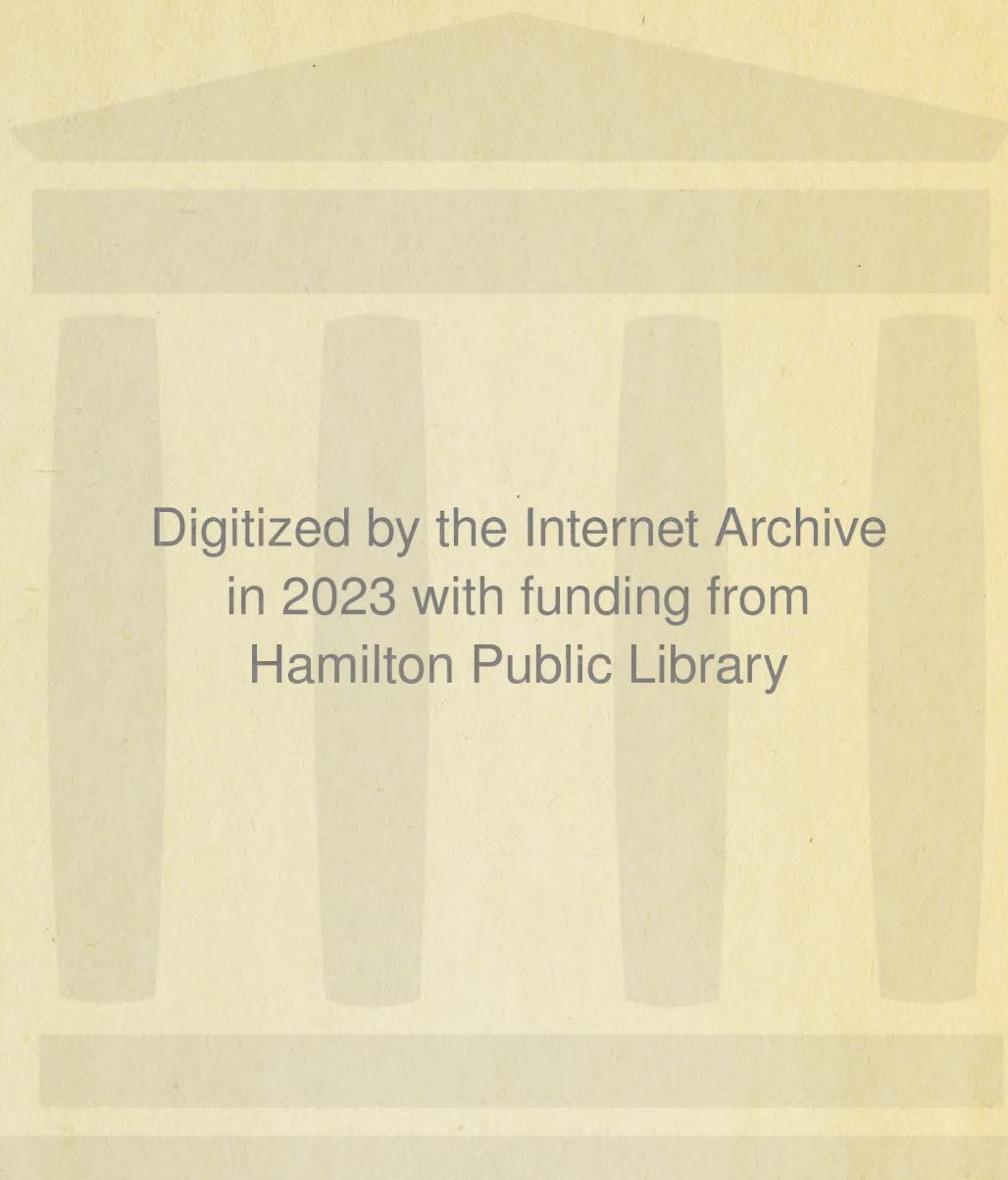
LETTERS ON
RESPONSIBLE GOVERNMENT

George R. Young.
1840

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G. B. Park, Esq.

LETTERS

ON

“Responsible Government,”

AND AN

*Rev'd
1/2/05*

UNION OF THE COLONIES

OF

BRITISH NORTH AMERICA.

To the Right Honourable Lord John Russell, H. M. Secretary of State, &c. &c.

BY GEORGE R. YOUNG, ESQ.

BARRISTER AT LAW.

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RESPONSIBLE GOVERNMENT.

On the present evils of Colonial Government:—The pernicious influence of the “Official factions” and “Family Compacts,” both in the Colonies and at the Colonial Office, and on the removal of these evils by the introduction of Responsible or Constitutional Government, and a Federal Union of the Colonies of British North America.

LETTER I.—Past errors committed in Colonial Governments.—Power of the House of Commons in the Home Government nearly supreme.—The Responsibility of the Ministers and Public Functionaries, to it.—This is the true source of British Liberty.—No responsibility whatever, in the Executive or Councils, to the Houses of Assembly, in the Colonies. The whole power of these bodies intended to thwart the leaders of the popular party and check reform. Evils of the system.—The Governor naturally becomes the enemy of the people.—Extravagant salaries derived by the public officers.—Their patronage dispensed to promote the views of a party. Growth of an ‘Official Faction.’—The Colonial Press has yet exercised no power upon the acts of the Executive. Reference to the Colonial Minister. His confidence in his official advisers.—Consequences.—Liberal Party slandered and maligned.—Duties of the Minister too numerous and complicated for any single mind.—The system calculated to perpetuate its own abuses.—Minister not to attend to the duties of the Colonial Office only, but a leading member of the Cabinet in all other State questions. Negotiation at the Colonial Office in 1837 and 8. No responsibility in the Colonial Minister to the Colonies.—Why? Delegation from Nova Scotia, not to arraign Lord Glenelg, but to convince him he had been deceived, and that his intentions had not been carried out.—Sir Francis Head and Lord Glenelg.—Charges of disloyalty against the liberal party investigated.—Mr. Macaulay’s speech.—Complaints anterior to the American Revolution.—Many of them the same as are made at the present time. Causes of the discontents in these Colonies. “Responsible Government” and “Union,” the remedies suggested.

INTRODUCTION.

My fellow Colonists may enquire into my motives for publishing this and the letters which are to follow it. To them I have a short explanation to offer. There is a general opinion abroad that the political destinies of these noble Colonies have reached a crisis. We have approached the end of an *old* and stand on the verge of a *new era*. In Lord Durham’s Report there is a pledge that the “Colonial Charters” will at last, and spite of all opposition, be reduced to practice. But his extensive plans of Colonial Reform—the Bill for the Re-union of the two Canadas, introduced into the House of Commons last Session by the Ministry, have been suspended for a time—legislation and action have been delayed until, as is avowed, the sense of the Provinces has been ascertained. The Governor General, the Right Hon. C. Poulett Thomson, has resigned his station as a Minister, and his seat in the Cabinet—sacrifices not lightly to be esteemed by us—in order to undertake the settlement of the affairs of Canada. He has come here, with the practical experience of a Statesman, to enquire into, and to redress the evils which embarrass, and the discontents which burn, both in the Lower and Upper Provinces. The private letters from our Colonial friends in England, and the publications in Britain, devoted to the interests of the Colonies, address to all of us this language:—“Now is the time to speak out calmly but boldly—if you have political evils disclose, improvements suggest them—the Ministry, Parliament, and the English people, are ready to aid you in the great labour of Colonial Reformation, if your demands be moderate and constitutional.” Enquiry is thus

invited. We would be treacherous to ourselves if we did not meet so generous and kindly an appeal. Now, I am but one of a party who have long been of opinion, that the remedy to the evils which press upon us is simple. Give to these Colonies a Responsible Government,—secure to the people the management of their own Colonial affairs, *within strict constitutional limits*—introduce here the principles of the British Constitution into practice,—give the Assemblies, not all, but *some*—a limited and necessary control in the Administration of the Government,—and leave them not as now, weak, inefficient and a mockery—summoned for consultation, and smiled at or insulted when they advise; and admitted grievances will be removed—the causes of dissensions eradicated, and the mischievous ascendancy of our ‘Official Factions’ uprooted, for they are in sober truth, the real and *domestic* origin of all the weighty evils which press upon us. Each Colony demands a better, and a more popular, because British Administration—and the Colonies in this hemisphere, to meet the exigencies of this era, require union and strength. Union may be delayed for a time; but the continuance of the British rule with the kindly sympathies which ought to connect parent and child, upon terms of reciprocal and cordial good will, depends upon the speedy introduction of the latter. It is in vain to expect that Great Britain will continue to suffer the Imperial Parliament to be agitated with the affairs of these Colonies, and millions of the National Revenue expended, not to protect them from foreign invasion, but to restrain the colonists themselves from excesses; if the Provinces of Upper Canada, Nova-Scotia, Prince Edward Island and Newfoundland, notwithstanding all her care and largesses, repeat their delegations, and are still discontented and complaining—and it is equally vain, to suppose that their complaints will be calmed, and the Colonists and their Assemblies rendered contented, until the causes which produce them are extirpated. The *profitable* old doctrine of ‘Colonial Toryism,’ the power and privileges of a *few* at the expense of the *many*—the haleyon and rejoicing times of an Executive and Council, acting as supreme and *irresponsible* as the Doge of Venice and his advisers; are now thoroughly understood, and must succumb to the spirit and requirements of the age.

The questions still remain, how are these changes to be effected? Will ‘Responsibility’ work a cure? Can it be introduced into these Colonies? Will it not interfere with our *dependence* on the Parent State? Is it not to transfer all the power to the majorities of the House of Assembly, and make the heads of departments subservient to them, and them only?—The Governor General, it is said, has declared himself in favour of the principle, but to what extent is not yet known. He will yield it, it is presumed, as far as can be done with safety. To discuss these important questions, to follow up the able and yet *unanswered* pamphlet of Mr. Howe upon Responsible Government—to give his reasoning the widest scope—to enclose the practical working of the principle within the severest rules and logic of our Colonial Constitutions—to answer these calls from our friends in the Old world, and to meet that feeling which is daily spreading in favour of the doctrine among the thousands of thinking men here,—is the object of the present enquiry. Discussions like these at the present time, although inadequate, if calmly reasoned out, cannot but be regarded as useful and praiseworthy. In the conduct of the argument I have refrained from personalities; it is the system and not the men who are to be arraigned. Peace, but not power,—dangerous, because supreme and irresponsible, be to them,—reformation to it.

If sound, the principle will triumph by the force of truth—if dangerous or destructive of British freedom—if it will subject the Colonies to the intolerable evils of democracy, and level all the necessary distinctions and classes in society,

it ought to be rejected. Others and I advocate Responsibility and Union, because we believe they are essential to Colonial peace and prosperity, and the permanence of British rule, so far as these depend upon the healthy *action* of our local Governments. We seek to convince and satisfy impartial and enquiring minds; it is their approval only which is power. We will abide their judgement with a confiding patience; and are prepared to meet also with a philosophy, which cannot easily be ruffled, the already prepared and eager condemnation of the 'Factions' who are impeached. The discussion is begun in moderation, and will be so continued, if an answer be called for, unless personal attacks provoke to retaliation.

To the Right Honorable LORD JOHN RUSSELL, H. M. Secretary of State for the Colonies, &c. &c. &c.

HALIFAX, November 1st, 1839.

MY LORD,

In the past history of Colonial Governments, two signal and mischievous errors have been committed by the Ministers of the crown. They seem to have believed, that, however admirably fitted the principles of the Constitution were to the native-born subjects of the state, they could be half yielded and half denied to those emigrants from their native land, who sought a home and heritage in another hemisphere, forgetting the sound and beautiful distinction of the Latin poet,

"Cælum, non anum, mutant, qui trans mare currunt."

That the prerogative of the Crown *might* be beneficially exercised, and the substantials of freedom enjoyed under the old Charter Governments, or in those colonies, where the power was vested in a Governor and Council nominated by the Crown, I do not mean to deny. There have been instances in history, as in Prussia, for example, at the present time, where national peace and happiness have been secured, and the national prosperity advanced in rapid progression under a perfect despotism, when the sovereign power was wielded by an energetic and intelligent mind; but these instances are rare, and form the exception rather than the rule.

These forms of Colonial Government were erections founded on imperative necessity, because arising out of the circumstances of the time; and are admitted to have been opposed to, rather than to be in conformity with, the spirit and genius of the Constitution. They wanted on the field of their practice all its balances—its assemblages and harmony of necessary and controlling powers. The entire machine depended on the judicious exercise of the prerogatives of *one*, not of *three* elements; but however necessary these forms of government may have been, in the first rude steps of colonial enterprise, while society existed in a primitive chaos, or was passing through its first state of* change and of transition, to settled forms and good order,—the practice has been to confer upon Colonies the *forme* of the Constitution, as soon as the elements of the representative system, had been developed in them. The powers and privileges of the representative branch are the distinguishing and peculiar feature of our Constitution—the source of its freedom, its purity and its pre-eminence. It is through it the influence of public opinion is felt and obeyed. It reflects back, and is acted upon, by the intelligence and spirit of the age. It wields, controls, and modifies these plastic powers of the Constitution, which engrraft upon the ancient fabric the improvements and changes of which the sense of the majority approve, and which carries it forward—like the Common Law, the noblest stream of jurisprudence which has ever yet adorned the temples of justice—a changing and ever-improving system, thus sustained by the intelligence of the people, and thus and thus only, rendered safe, from destruction and rebellion.

As it is universally conceded that the existence of the Constitution depends upon the judicious exercise of the power and privileges of the representative branch, we have next to inquire in what way its influence is felt and perpetuated. *In the Home Government the influence of the House of Commons is nearly, if not altogether, supreme.* In it all taxes are originated. It has the power of granting or of refusing supplies. The votes for the support of the army and navy are annual. It preserves the fountains of justice free, by ex-

ercising the right of impeachment. The powers of the Crown are entrusted to Ministers, who are all accountable to its decision; and who are forced to abandon office—by the irresistible pressure of moral compulsion—by the impossibility of carrying on the Government; as soon as they cannot command its majorities. The House of Lords, again, are controlled by the combined action of the Queen and her Ministers, who have the constitutional power of creating a new batch of peers, as was threatened in the reign of his late Majesty King William IV. to swamp a stubborn majority, and ensure the passage of the Reform Bill. Her Majesty and her advisers can control even the moral action of the Lords, upon a single and leading question, by conferring a patent of nobility upon men of commanding talents and eloquence, and thus bring their minds and votes to bear upon some "great debate." The Commons have a right to search into every department of the state, and every branch of national expenditure. They exercise a thorough and searching supervision over *all* the operations of Government, and over every officer and servant nominated by the Crown. There is no Judge, and no General, and no Minister, who is not responsible to its vote and censure; and although these powers are but rarely exercised,—although Lord Melville be the only Minister, and Warren Hastings the only Governor, who have been impeached for the last half century,—the very possession of these wholesome and extensive powers—the consciousness on the part of the public servants that their acts may be inquired into before this august tribunal; and that a neglect of duty or malversation of office will certainly be followed by inquiry, and a vote entailing eternal infamy and disgrace,—begets a higher sense of public duty, a clear and more settled conviction of *official responsibility*, and that purer and more active tone of opinion and principle, which of themselves prevent recourse to these supreme powers, which the Constitution confers upon the Commons and which, although to all outward appearance dormant, pour a continual and refreshing stream upon the roots of the Constitution,—enable the "good old tree" to weather every storm, and keep it ever to the eye in a state of palmy verdure and beauty.

True, the Queen has the power of declaring war—but it cannot be carried on, unless the Commons create the taxes and vote the supplies. If they refuse to increase the army, or to add to the naval marine, the Crown becomes powerless. True, it is a wise and generous maxim of the Constitution, "that the Queen can do no wrong;" but she can do no act, bearing upon the national interests, unless by the advice of her Cabinet and Ministers, and they, although not the Crown, are held responsible to the Commons. The majority of the House, by opposing Ministers, may render them inactive and impotent,—the Queen can be compelled to remove them, or the machinery of Government comes to a final stop. If the crown does not yield to the opinions of the Commons, they can apply for the removal of Ministers by an address, or resort to the higher privilege of impeaching them for the advice they have given and acted upon. Over the Crown, over the Lords, and over the Bench, they exercise an effective, necessary and irresistible control; and although these powers are rarely, if ever, exercised, in any overt and palpable act,—still their influence is unceasingly at work; and their known and admitted ascendancy has conferred upon the Constitution all its attributes of perfection, and has secured the state from civil war and revolution, since the Act of Settlement introduced the family of Hanover to the throne. In France the three days of July effected the abdication of "Charles Dix," and the election of Louis Philippe to the throne—the former and his Ministry became odious to the nation, by their violation of the Charter and their famous Ordinance against the freedom of the press. In England, at the same time, the Reform Bill was passed by the constitutional and peaceful influence of the "majority"—the Wellington Ministry quitted office, and the Grey or Whig administration passed into power. The one was the triumph of the bayonet and of brute force, the other of mind and the law—the one was gained by bloodshed and civil commotion, the other, so far as the safety of the Government was concerned, "under the serenity of a summer's cloud." In both countries there were revolutions—the one in France, where there was no Charter, accomplished by *physical* force—the other in England, where there is a plastic and yielding Constitution, carried by the *moral* force of the people, acting upon the House of Commons, whose majorities are supreme.

These views I know, my Lord, are familiar to you as a statesman, because admitted principles in constitutional history. Why then do I touch upon them here? To convince

* In Captain Maryatt's Introduction to his "Diary in America," there is a curious and most philosophical view of the state of Society in the United States, which he ascribes to these causes.

your Lordship and the colonial public whom I address, of an impression deeply settled upon the minds of that party, of whom I acknowledge myself to be an humble member, that the leading error of the past colonial policy has been to confer upon the Colonies a representative system, wanting, *in the management of our local affairs*, those attendant and necessary powers which, in our Constitution, are essential to its practical and peaceful working. Our Colonial Governments have been *called* representations of the British Constitution in miniature. In our Houses of Assembly we are said to have a House of Commons; in our Legislative Councils imitations of the House of Lords, and the Governor is styled the Representative of the Crown. The age is too enlightened, and the Colonists of British North America now too well versed in Constitutional history and principles, to accept a name for a reality. Our Houses of Assembly, *in those matters of legislation which belong to ourselves*, have no co-ordinate powers, and no co-ordinate influence, with the House of Commons at home. And why? Because they never enjoyed, under the present system, and never can enjoy, until the system is altered, any effective control over the Councils or over the representative of the Crown. Nay, more, the selections to the Councils have generally been made for the purpose, not of yielding to the majorities of the House,—to that power which is supreme in the Government at home, and which wields its plastic and sanitary powers,—but rather, on the converse rule, *for the purpose of opposing them*. The Councils, in all the Colonies except Lower Canada, have until of late exercised legislative and executive powers, which, after experience, it is now admitted cannot be blended with safety. The majorities have been selected from the paid officers of the Government, who are naturally opposed to the powers of the popular branch because the latter possess, 1st, the right of supervision over their official acts; and 2d, of inquiring into and curtailing their emoluments. From the position which these officers occupy in society, from the style which their extravagant salaries allow them to sustain, from their influence as members of the Executive or Privy Council, from the daily intercourse which is incident to the offices they enjoy,—they become, as a matter of course, the circle, the advisers, and the friends of his Excellency. Their views become his views—their policy, **his policy; and hence the history of past Colonial struggles has been a contest between the active and hostile leaders of a popular assembly, on the one hand, struggling for constitutional rights and privileges, and the Representative of the Crown and his Council, steadily and purposely resisting them, on the other.* But of what avail have been these struggles? They have ended until of late invariably in popular defeat. The Governor holds office independent of the people; his salary is derived either from a vote of the Imperial Parliament, or from the Crown and territorial revenues, over which the Houses of Assembly possess no control. He is responsible, not to them, but to the Colonial Minister in Downing Street (and into this responsibility I shall afterwards enquire) both for his policy and pay. The officers of the Government were nominated either by the Colonial Minister or by the Governor, and were paid by permanent acts or by funds provided by the Crown. They were thus independent of the House, both for their places and their emoluments. The House might complain or even threaten to impeach; the measures of the charge remained still to be decided by the Colonial Minister or the Privy Council; and the Officials, relying upon the political influence of their friends in these high quarters, united in putting

the Assembly at defiance, and continued resolute in opposing every extension of popular control. Where is the boasted harmony, my Lord, of the British Constitution in a system like this?—not the three powers acting in unison, and exercising a mutual reaction upon each other, but *two* of these leagued together, enjoying solid and irresponsible power, and pursuing a settled policy of opposing the *third*. The House which in Britain is supreme—is here shorn of all power and constitutional influence.

I could illustrate those views by facts taken from the local history of our own province, and the other Colonies by which it is surrounded; but they have been so fully and ably illustrated by other writers that I content myself, in this letter, with referring your Lordship to the works and passages in which these illustrations will be found.*

The power and patronage vested in the Colonial Office has led to an host of abuses, inflicted, in many cases, in direct opposition to the upright policy and honorable intentions of the Minister himself. In the first place, the higher offices in the Colonies were not filled by Colonists, but by the friends and dependents of the minister and his adherents, who had no feelings and sympathies in common with the people among whom they were cast. They came to these new scenes of official duty, with lofty notions of their own dignity and importance; and with the idea, which an Englishman is but too apt to entertain, that he is of “the salt of the earth,” and superior to the Colonists who are around him—that holding a commission from the Crown, and backed by the influence of some Member of the House of Commons, he could “ride upon the top of his commission,” with no dread of responsibility; and could treat as matters far beneath his notice, any complaint or request which is conveyed to him. The House of Assembly was contrasted in his mind with the imposing grandeur and dignity of the House of Commons, and although exercising powers just as valuable to us, as the powers exercised by the Commons in England, was rather the subject of mockery than of respect. Under these impressions he was inclined to ridicule, more than to fear any resolution which they might pass. With this feeling in his mind he was summoned to the Council Board, and became incorporated into that “Official Aristocracy” or “Family Compact,” who, in every Colony, have been the fierce opponents of Colonial reform; and who, under the specious guise of being the friends, are, in fact, the worst enemies of the Crown. The man fitted for their embrace is thus graphically described by Lord Brougham in one of his late sketches of character:—“He is the enemy of all *re-form*, the champion of the throne and the altar; and *con-* founding every abuse that surrounds the one or grows up *“within the precincts of the other, with the institutions* ‘themselves—alike the determined enemy of all who would “either invade the Institution or extirpate the abuse.”

Again, from the salaries of those officers being paid from the Crown Revenues and appointed by the Colonial Minister, they have been settled in many cases at a scale above the means and resources of the Country. The Minister, in determining the amount, may have consulted both the Governor and Council—but they have a common interest in raising the standard of emolument and in giving unsound advice. The Minister himself, from the scale of salaries required in an old and wealthy country like England, and especially in London, where he is surrounded by a style of expenditure at once unique and metropolitan, is the more readily deceived by this band of selfish advisers, and gives to the office a salary which, from being excessive, places the officer above the better order of Merchants, Physicians and Lawyers; and thus enables him and his family to set an example of luxury and indulgence, which, while it adds to his notions of official consequence, set a pernicious and seductive example to a people, where the simplest and plainest habits ought to prevail.

Had it not been for these admitted and obvious errors committed in the past, there would have been less difficulty experienced in settling the question of the Crown Revenues, and the Civil List, in this and the other Colonies,—where the Houses of Assembly were anxious, when the opportunity offered, to correct the evils of past times, to reduce the salaries of *a few* of the public officers to a scale of remu-

* See Mr. Howe's ingenious and admirable pamphlet on “Responsible Government,” page 17 to 19, for an able practical illustration of the union which naturally occurs and strengthens between the Governor and the officials.

“A body of holders of office thus constituted, without reference to the people or their representatives, must in fact, from the very nature of colonial government, acquire the entire direction of the affairs of the Province. A Governor, arriving in a colony in which he almost invariably has had no previous acquaintance with the state of parties, or the character of individuals, is compelled to throw himself almost entirely upon those whom he finds placed in the position of his official advisers. His first acts must necessarily be performed, and his first appointments made, at their suggestion. And as these first acts and appointments give a character to his policy, he is generally brought thereby into immediate collision with the other parties in the country, and thrown into more complete dependence upon the official party and its friends. Thus, a Governor of Lower Canada has almost always been brought into collision with the Assembly, which his advisers regard as their enemy.”—*Lord Durham's Report*, p. 29.

†The liberal party in New Brunswick, in the delegation of the Hon. W. Crane and Mr. Wilmot, in 1836, from the House of Assembly,—and the late delegation from the Assembly of this Province, under the guidance of W. Young and H. Huntingdon, Esqrs.—have gained a great and rational triumph over the official factions in these two provinces.

* A letter under the signature of “Miles” appeared in the London Morning Chronicle of the —th June last, describing the acts and policy of the Family Compact in Upper Canada. It produced a decided sensation both in the Colonial circles in London and also in these provinces. It was copied into the Halifax Novascotian of August 22d and 29th last.

eration more moderate in itself—better suited to the public resources—and to the style in which they were required to move. In these views they were admirably supported by your predecessor, my * Lord Glenelg; and had his intentions been followed out in this province, the Colonial Office would neither have been alarmed with the report of discontent, nor the official tranquillity of Lord Normanby disturbed by the late appeals made to his sense of justice.

The Governor and Council in these Colonies have generally acted in unison in opposing the Assembly. First, because by, limiting its powers they preserved their own; and secondly because they had the sagacity to perceive, that, if the representative branch became the ascendant, their own salaries and emoluments, which they valued even more highly than their influence, would be in danger of being curtailed. Now to effect this object their policy—the very essence of a refined and shaded selfishness—has presented in practice a double aspect. In the Colony, having the possession of the solid power, by being the sole dispensers of the local patronage, their favours were conferred, so as to thwart and crush the influence of the popular party. Its leaders in the first place, were studiously excluded from their circles—and in public places both they and their families were treated with open marks of dis-favour and disregard. To be the wife or daughter of a man attached to popular principles, which is repaid by honour and influence in the Mother Country, entailed exclusion not only from their circles, but from all others they could influence.—If any question occurred, either before the Executive or the Assembly, in which the reputation, or the interests of these popular, and only, *because popular*, obnoxious men, were involved, the whole influence of the Official Faction, and their press were brought at the crisis to bear them down. Political Judges in past times have been accused of shewing those—the known advocates of reform who stood before their tribunal—that faction could even touch and affect the trembling balance of justice. Lawyers, attached to these principles have said, that they have been made to feel that on the question of costs, or in a doubtful point of law or practice, the discretion of the Bench, like the tower of Pisa, had a leaning which never swerved. There are tribunals fortunately, free of such imputations. It is for this reason that the majority of the Bar, have been, in most of the Colonies, the supporters of the “Official Faction;” and it is for the same reason that so strong a desire has been expressed by the popular party, and now acted upon by the Colonial Minister, that Judges should be excluded both from the Councils and from polities.† One of the complaints urged by the late

* In Lord Glenelg's despatch to Sir Colin Campbell, dated 30th Oct. 1837, and submitted to our House of Assembly, in the Session of 1838.—See Appendix to the Journals, p. 6 & 7.

These views of political economy, are thus ably defined:—“I confine myself therefore to the general statement, that the chief, if not the only motives by which Her Majesty's Government are induced to stipulate for a Civil List are, first, the desire to exempt the Governor the judges, and certain other public officers from a pecuniary dependence which would be incompatible with the firm and impartial discharge of their public duties; and secondly, the wish to prevent the revival from year to year, of inconvenient and unseemly discussion, as to the amount of the remuneration to be assigned to the Executive and judicial officers of the Province. These ends secured, Her Majesty's Government have no real, I may add, no imaginable motive for further solicitude on the subject. They have no wish to place any other part of the annual expenditure beyond the annual revision of the Assembly. It is not to them a matter of any serious concern whether the salaries to be assigned in the Civil List be of greater or less amount, provided only, they are sufficient for the maintenance of the Officers in whose favour they are granted, in that station of society, to which they must belong. I am not only willing to admit, but even anxious to assert that, in fixing the amount of official salaries of British North America great frugality should be observed. In countries recently settled, it is of moment that moderate and simple habits of domestic expenditure should prevail and should be respected, nor is there any exception to this rule which I should more strongly deprecate than one which would enable, if not require official men to distinguish themselves from other classes by a less strict economy and a more costly style of life.”

† I extract the following paragraph from Lord Durham's Report, p. 14. The circumstances of the early Colonial Administration excluded the native Canadian from power, and vested all offices of trust and emolument in the hand of strangers of English origin. The highest posts in the law were confided to the same class of persons. The functionaries of the civil government, together with the officers of the army, composed a kind of privileged class, occupying the first place in the community, and excluding the higher class of natives from society, as well as from the government of their own country. It was not till within a very few years, as was testified by persons who had seen much of the country, that this society of civil and military functionaries ceased to exhibit towards the higher order of Canadians an exclusiveness of demeanour, which was more revolting to a sensitive and polite people, than the monopoly of power and profit.” In other Colonies this feeling has been more widely propitiated.

‡ See Report of the Committee of the House of Commons on the Civil Government of Lower Canada, 22d July, 1828, p. 6 & 7, and Lord

delegation from the House or Assembly of Nova-Scotia to the Marquis of Normanby was, that all the patronage of the Executive ran in one unchanging channel. And I state it now as a fact in my own observation that Colonial Toryism in these Provinces has been propagated and chiefly sustained, from the known and settled rule of action, that if any man professes liberal principles, and questions the acts of our official Lords, it is vain for him to expect any favour from the *“powers that be.” The common language of the timid is, “I cannot afford to be patriotic.” If a Liberal applies for a store to be named as a bonded warehouse, in any one of our free-ports—or any other of the *900 offices in the gift of the Executive and his advisers—if his goods be seized for some informality in his papers—he will then be made to pay a penalty for his patriotism, and be teased, first by delay, and at last, perhaps, insulted and injured by refusal. I am sketching in this, my Lord, no fancy picture—these are the results of long experience and daily observation—and I am prepared with facts and names to vindicate these opinions if they be impeached.

You still may enquire how these acts of injustice can be perpetrated in any country, where British institutions and the forms of British liberty exist—there is a simple answer:—*because the Representatives of the people have no substantial power—because they are controlled by an “irresponsible” Executive and Council, who are enabled to treat their deliberations and resolutions with contempt—who can oppose their delegation going to your Lordship, to whom they would say in words, both are subservient, and thus, with professions of political candour and honesty, would shut upon the people of Nova Scotia the gates of justice itself; because they feel themselves secure and omnipotent so long as their influence at the Colonial Office is supreme, and they can draw to themselves the sunshine of a Minister's favour and patronage.*

Another consequence of this official ascendancy has led to this singular, and apparently incongruous result—to a wasteful extravagance of the public resources, whenever the majority of the Lower Branch was placed under the control of men, who had no regard to the rights and interests of the people, in the performance of their public trust. In the history of our own Province this has led, on past occasions, to an appropriation of the resources in the Lower House, which was neither beneficial to the people, nor to the interests of the official faction; and an opposition was then raised in the Council, which led some to regard them as the best guardians of the public rights. This opinion was in part true and in part false; but since the principles of reform have gained their just ascendancy in our popular Assemblies; and their leaders, under the intelligent control of their constituency and the press—are compelled to act upon those solemn obligations which a high sense of public duty imposes,—since they have steadily aspired to introduce retrenchment and to extend the popular rights—the Councils have come out in their real characters, and exhibited, without a veil, the dangerous policy which actuates them.

The political supremacy which the Compacts have enjoyed from the absence of all effective responsibility, has been increased from the past state of the Colonial press. Of late years it has unquestionably risen up to the growing intelligence of the age, and has presented a more classic and independent character. Men of higher talent and more cultivated minds have devoted themselves to its management; and the tone of enquiry, in which it now indulges—the boldness of its attacks upon the abuses of the present system,—are bringing to bear upon Government the powers of this mighty moral engine. Some twenty years ago the dignity of our Governor and Council was something like a lady's virtue, too pure and immaculate even to be questioned. Had any Members of the Assembly in those halcyon days of official security, attacked the Governor or Council, or any Member of the Government in debate, he would have been brought to the bar of the Upper or Lower House, and been lectured for his contumacy. Nay, Printers have been called to the bar for justly questioning the wisdom of the House itself; and it is only within the last ten or fifteen years that the Colonial Press has emancipated itself from this ignoble thraldom, and assumed the useful and constitutional powers which belong to it. Still, with all the talent, ability, and spirit with which it is conducted—it has not yet acquired the same resistless and moral influence it en-

Glenelg's despatch to Sir Colin Campbell, on the formation of the Councils in this Province, 30th April, 1838.—Journals of the House, for 1838, Appendix p. 2 & 3.

* See upon this subject, Mr. Howe's pamphlet, p. 41.

joys at home. The rational public, like the majority of the House, may be unanimous in condemning the policy and acts of the Administration—the press conducted on liberal principles, may be the most widely circulated and best supported.—Still the Executive blunders or sins in comparative security, and the officials occupy their places and protect their emoluments with fearless courage, although conscious that nine-tenths of the people know that they are daily violating the law, and are deriving funds from the people which they cannot defend by any colour of title. The liberty of the Press is powerful in England, because its action is felt in the House of Commons—here it is weak, because, however it may influence the Assembly, the Assembly have no power to operate on the Executive.

Residing as the Colonial Minister does, at a distance of three thousand miles, and imperfectly informed of those local questions which agitate these little worlds of ours, when any reference is made to him,—suppose to your Lordship, you would naturally search for information, and enquire first into the character of the two parties who were before you. To whom would you be so likely to turn as to his Excellency and the Officers of the Government—those who held office under your own patronage, and who seemed to be allied to British connection, by the binding ties of gratitude and interest. You would call upon them for explanations—you would extend to them the same confidence you would place in men occupying a similar station in the Mother Country, forgetting, however, this signal distinction, that the one have been trained in the atmosphere of responsibility, which necessarily creates a higher regard to facts and principles—and the other, in a scene where the popular influences have ever been crushed by misrepresentation, and every vote of that Official Faction to which their belong, and every act of their patronage, has been regulated by the determination and steady purpose, to check the growth of liberal opinions, and to cloud the dawn of every nascent reform. These are not the advisers, depend upon it, my Lord, who would guide you to the truth. You might as well expect impartiality from the Bench of Bishops upon any question in which the interests of the Church are concerned—or, commit the practical absurdity of calling together a Board of Officers, to suggest a plan of retrenchment in their own honours and pay.

If your Lordship could summon both parties into your presence, and hear the question, submitted for decision, discussed upon its broad and substantial merits, I doubt not, you would arrive at a sound and equitable conclusion. But the members of the Liberal party, feel they cannot stand before you upon equal terms: those who are opposed to them have already had your ear, and the secret and mystical influences of “a private audience.” They have taught your Lordship to suspect their motives and ultimate views. They say to you, that, although we profess to be in search of moderate and rational reforms, we are conducting the people by gradual steps to rebellion and to independence. They tell you they have long watched our career—that the Provinces are prosperous and happy—that the mass of the people are contented—that the grievances complained of are fancied and not “tangible”—that the excitement and disturbances are incited by us—a “few,”* restless, disappointed and dangerous men; and, that, if we were only crushed—if a deaf ear were only turned to our complaints, and future complaints thus rendered hopeless, the Colonies would return to peace and good order; and your Lordship’s time and attention would never again be recalled to the petty and worthless squabbles of an insignificant Colony. It is but yielding to the principles of our nature to believe, that you turn to the questions, which agitate us, with reluctance, if not with a deeper feeling—of aversion. Can it be supposed that such opinions, coming from a quarter, which the purity of your mind does not permit you to suspect, will not fall pleasantly on the ear? Can I believe that a Statesman like you, whose mind is capable of taking those broad and comprehensive views of national policy, which are developed in your “Life of Russell”—who has described so well the mighty principles which agitated Europe, in that eventful period which your ‘History’ embraces; or, who now occupies that great and dignified station, of being the leading Minister and Statesman of the age, in a House of Commons, controuled by a fierce and powerful minority, would not be glad to retire from questions of Colonial Reform, to those nobler and more exciting questions, in which the peace and prosperity of millions, and the “balance of power,” are in-

volved. The justice of the case might force itself upon your attention, and be redressed; but before that justice could be obtained, we would have to outlive and eradicate the suspicions which our opponents have expressed, and bear down all the other secret and artful influences which our Official parties know how to employ to effect defeat, whether directed to the ear of your private Secretary, your political and bosom friend, or even insinuated in the circles of your Ladies.† They live, in your Lordship’s opinion, as the devoted servants of the Crown, the liberal party as its enemies. But if your Lordship would change the scene to the Colony itself, and read the hearts of the multitude—you will find, that the latter are regarded as the loyal men, as the men of your party; while the Officials rank not as the Wellington’s and Peel’s, the high-minded and high-principled Tories of England, resting their principles on settled and vexed opinions, void of all considerations of self—but as the Sir Richard Ingliss, the devoted and interested supporters of abuses, and therefore faithless subjects to the State.

In the conduct of this argument, my Lord, it has been said, that the Governor and Council, and the Colonial Minister, have in general been opposed to the wishes of the popular branch. It has not, however, been *invariably* the case. If the Policy and acts of these two powers were separated, mark the consequences which followed! These, when weighed, give to the influence and intentions of the Official Faction, their real character and value, and prove that they were never founded upon any pure or noble regard for the public weal. I refer to this singular fact, that I have lived to see the Official party in this Province, twice in open array both against the Governor and Colonial Minister. An attempt was made by his Excellency Sir James Kempt, during his able Administration of the Government of N. Scotia—which is still remembered with gratitude here—to controul the power of our little Official party, in the appointment of a Judge,‡ and it only led to a more fearless and absolute assertion of their power. His Excellency felt for years the weight of their secret resentment, although his distinguished talents, and the high influence he justly acquired in this hemisphere, forced them to exhibit the outward and visible marks of personal respect. Two years ago both his Excellency Sir Colin Campbell and my Lord Glenelg, when they manifested some show of favor to the “Liberal Party,” became subject to the sneers and opposition of the “Official Faction;” and, it is only of late that his Excellency has been restored to favour. They have bound him, at length, in the meshes of their policy; they have succeeded in inducing him to violate her Majesty’s instructions in the formation of the existing Councils, and to join them in the “war of reputation” against the leaders of the Liberal Party. My Lord Glenelg does not yet enjoy the sunshine of their favour. The Factions here and in Canada, have attempted to hunt down the talents and public character of Lord Durham, ever since the publication of his Report. And be assured, my Lord, that even you cannot yield one single Colonial Reform, to that growing and active party who oppose them, without paying the penalty of their sovereign displeasure.

The Provincial and commanding influence of the Factions against the Executive and the People, have been sustained also by the following devices—their influence working thus, on both sides like a two-edged sword. If his Excellency, forgetting for awhile, under some stray advice, the tutelage under which the policy of his Administration had been modelled, wished to concede to any popular measure obnoxious to the body, after exhausting every other mode of resistance suggested by a fertile invention, two or three would threaten to resign, and thus effectually controul him by the fear of a controversy with the Colonial Minister. Governors have been known yield, more than once, to this ingenious species of moral compulsion. He was thus reduced, and kept, in a state of intellectual subjection. His Executive powers were effectively brought under their controul. Against the people, again, another species of warfare was prosecuted: If any County or district returned a man of spirit and talents who was disposed to contest the supremacy of the Factions,

* These few are however the many.

† The Colonial Factions have been loud in condemning the policy which guided both Lord Glenelg and Lord Durham, in admitting men of all parties into their Councils, of committing the vulgar and *radical* error of trusting to the Liberals, as well as the Official party, for advice.

‡ It is a well known incident in the history of our Provincial politics, that the appointment of one Judge to the Inferior Court in Cape Breton, in place of another, for whom the situation was created, led to the existence of our Inferior Courts and the popular ferment it created.

or to reduce their emoluments, the whole patronage of the County was diverted from his supporters and friends. If he recommended any man for office, he was soon taught that his recommendation was the first step to certain exclusion. His want of influence soon spread among his constituents. He might be a man of commanding talent, have great powers of persuasion, considerable influence in the Assembly, and he regarded as a desirable and useful member; but, on his return to his constituents and his political friends, although he had pursued consistent and liberal principles, and done substantial service to the State, he would find his influence in the County diminished, and at the next election would probably be beaten by some easy and more pliable tool, who would close his eyes upon the abuses of the Government—worship the official faction with due homage—and be their most humble and obedient servant in all divisions in which his superiors were concerned. Where was responsibility here? What flight of constitutional principle could find it? Is it to be wondered at, my Lord, that the principles of Colonial reform should have been in the past of such slow growth,—or now, that the abuses and evils of our Administrations can be exposed, they fall before you in such a “pattering shower.”

Now, my Lord, although I be willing to concede to your Lordship every disposition to perform with fidelity to your Sovereign and the country, the duties of a Colonial Minister; and to apply the whole energy of an active and powerful mind, to the affairs of the Colonies; permit me to add, that there is a growing belief entertained both in the Mother Country and in the Dependencies, that no single mind, however active, and however resolved to bend its energies to the task, can perform the complicated and various duties which now devolve upon the Minister of State for the Colonies. You have under your care thirty-six different Dependencies, embracing every variety of climate, producing every species and order of production, possessing different forms of Government, and whose welfare depends upon every branch and relation of the foreign policy of the Empire. Each of them is a little world or rising nation in itself. You have not only to decide upon their foreign, but domestic relations—to examine and pass upon the Acts framed by their Legislatures—the appointment of their local officers and judges—the questions which agitate their local parties; but in the formation of Councils, even the character of different men—their talents—creeds—political influence—and shades of opinion. I ask your Lordship to turn to the late debates upon Canada,—to the “Narrative” of Sir Francis B. Head, and the despatches of Lord Glenelg, published in answer,—the motions of Lord Brougham on the affairs of Malta,—the Slave question,—the introduction of the Hoolies into Demera,—the extensive range of legislation submitted to your notice in Lord Durham’s Report,—the Bill for the Re-union of the two Canadas,—the question of the British North American Fisheries,—the Minute issued for the regulation of the Currency in the British West Indies; and, to point the eye to a narrow field, the several questions of deep local interest raised by the Delegation from the House of Assembly of Nova Scotia,—all in agitation at one time,—exciting the people—pressed forward for early decision—and demanding the immediate action of the government; and I put to you this inquiry: Can your Lordship, with satisfaction to yourself, nay more, is it within the powers or compass of the human intellect, for any single mind to deliberate calmly, and decide wisely, upon all this vast variety of complicated questions in their turn? It is, my Lord, impossible; and hence comes the opinion, that the system itself necessarily leads to discontent,—forces the Minister to rely upon others; and thus gives the “official factions,” who have been hitherto the only sources from which he derived *his facts*, and are, in reality, the delegates of his reasoning powers—the too dangerous ascendancy they have enjoyed. The opinions expressed by Lord Durham, in the 38th page of his Report,* are sub-

scribed to by the liberal party in every Colony of British North America.

Permit me to add, that I have had some opportunity of becoming acquainted with the business of the Colonial Office in Downing Street. I had the honour of conducting in the winter of 1837, and spring of 1838, on behalf of the Proprietors of P. E. Island, a long negotiation with my Lord Glenelg. I then had personal observation of the vast range of inquiries compelled upon the Minister of the Colonies,—the crowd of applicants who besieged him,—some to support, some to resist a measure either under discussion in Parliament, or mooted in the Colony in which they were concerned; some seeking office, and others arraigning the acts of a Governor who had ejected them; this Colonial officer attacking the illiberality of the local Legislature, and that applying for an increase of salary, to be paid from the Casual revenue. One Colonist soliciting the appointment of a Judge—another for the office of Secretary,—a party to-day applying for a Charter, to establish a Colony upon a new principle of emigration—and another demanding a Charter for a Colonial Bank;—and while all these subjects were pressed upon his Lordship’s attention at one time, I was conscious that there were a thousand others, not visible to the eye, demanding private study; while he was required, in addition, to perform all the laborious duties of a politician, Statesman, and Minister of the British Empire,—to attend the Cabinet and the Lords,—and to take his part in the debate of those great questions, in which the character and fate of his party were concerned. So far from joining in the attack then made by the Press against Lord Glenelg for official indolence, my astonishment was that so much could be accomplished.

The Colonial relations are now too wide and involved to submit patiently to the supervision of one single mind—however gifted—however energetic—and however anxious to perform the duties which devolve upon it. Some system must speedily be adopted to separate these duties, and thus prevent the present and the future discontents, or certain dismemberment of the British Colonial Empire.

If Colonial Governments be thus so constituted, that there is no *local responsibility* on the part of the local Executive and Councils to the Assemblies, it will not be asserted that the Colonial Minister can be made accountable, or held responsible to them. In the first place, be it remembered, that it does not seem to be a settled question between the Minister and his Subordinates—the Governors,—to whom these powers and this theoretical responsibility, such as they are, appertain. The Narrative of Sir Francis B. Head has given to the world some new and curious aspects of Colonial policy; and I turn to the despatches which passed between His Excellency and my Lord Glenelg upon the dismissal of* Judge Ridout, as a clear case, from which it appears, that the respective duties and limits of authority between the Minister and the Governor, are not yet defined. Admitting that it resides with the Minister, which I believe

* Mr. Ridout held the offices of Judge of the District Court of Niagara, Colonel of the Militia, and Justice of the Peace. Sir Francis Head discharged him from all of these offices, on the ground that he had been the active member of a society, which had expressed an opinion unfavourable to Sir F. Head and his Government. Mr. Ridout denied the charges made, and appealed to Lord Glenelg. His Lordship, after full enquiry, decided that the charges had not been found, and ordered him to be restored to office. The history of it is given by Sir Francis Head in his Narrative, chapter 9, p. 219. In Lord Glenelg’s despatch upon the subject, dated April 5, 1837, I extract the following paragraph:—

“ You further express your expectation that the “ mere expression of your opinion of the absolute necessity for the dismissal of any person from office, whom, from your local knowledge, you deemed hostile to the British constitution, would have carried with it infinitely more weight than the individual’s denial of his own guilt.” From this and other passages in your despatch, I infer that you regard the secretary of state as virtually bound to adopt your opinions in individual cases as conclusive, even upon an appeal against your decision; but such is not my estimate of the duties of my office. I act under a strict and onerous responsibility to the King and to parliament. Of every measure which I take, or weigh when taken by others, I approve, I must be prepared to produce the vindication. But I should ill acquit myself of that duty, if I attempted to rest my justification on an implicit confidence in the judgments of the officer against whom an appeal had been brought before me. Cherishing, as I do, the strongest presumption in favour of every decision of yours, I must yet, as your sentence is impeached, examine into the merits of the question with strict impartiality, and with a jealousy of these prepossessions in favour of your opinions from which I can never be exempt.”

Lord Glenelg’s despatches to Sir Francis Head—Ridgway 1837. p. 147. (See Mr. Howe’s pamphlet on Responsible Government, p. 15 to 17, upon this subject.)

* The prayer of Mr. Montgomery Martin’s Petition to the House of Commons, that the affairs of the Colonies should be placed under the care of a Board, like the Board of Trade, was approved of by many of the Gentlemen in London, connected with the Colonies, and by the Members of the Colonial Society. The leading motive for forming that Society, and in the publication of the “Colonial Gazette,” was to create a Colonial party and influence in London, and to bring a focus of accurate information to bear upon the Colonial Office, and on the decision of Colonial questions. Having acted as one of the Members of the Sub-Committee of three, to whom the arrangements of that Journal were entrusted, I feel competent to speak of the patriotic and honourable intentions its founders had in view.

The Editor of the Colonial Gazette, has, in the furtherance of this policy, lately proposed the formation of a Board in London, formed of

Representatives from each of the Colonies, to act like the Board of Trade.

6 be a sound constitutional rule, I next enquire in what way any single Colony can give such presumed responsibility a practical bearing and operation?

True the Minister is amenable to the House of Commons, but the Colonies are not represented, and enjoy no constitutional powers, there. If a gross invasion of the Constitution were attempted—if the Colonial Minister perpetrated an act so glaringly wrong as to arouse the voice of the London Press, and the sympathies of the English people—if a rebellion had actually broke out, as in Canada, and the Empire ran the risk of being stripped of one of its important appendages—talented leaders and a party could soon be formed in the Commons, to arraign a Minister, who had either from incompetency, corruption, or neglect of duty, placed the national peace and prosperity in peril—but it is not of evils of this kind of which Colonists complain. We admit that we possess many political blessings. We would bear all the evils to which we have yet been subjected, and more, rather than abandon our present allegiance: we complain, not of injuries inflicted upon us by the Minister, but by those in whom he confides—of the unconstitutional powers of the local and official factions, who dispense the patronage of the Local Government for selfish purposes—and who thwart, injure, and traduce every man known to be attached to liberal principles. Our case rests upon a series of wrongs, many of them done in the very face of the royal instructions. We complain of our opponents; in return they deny. We have been discredited, they were believed. We appeal to the Colonial Minister—the Governor, the Councils, and the Officials bring the whole weight of their influence to misrepresent the facts and malign the complainants; and while the Colony is in agitation, and justice and redress are delayed—while the local Compact, the Governor, the Council and their dependents, against whom we raise our voices, stand there in the breach—unharmed and fearless—because irresponsible; and while we know them to be the real offenders whom the Law and the Constitution ought to reach and impugn, we are referred to the Colonial Minister, in whose honour and good faith we have perfect reliance, and whom we only blame for being too easily deceived.

We ask you, my Lord, to give us “Responsibility,” not fancied but real—an effective responsibility at home, not a theoretical responsibility at a distance; and be assured you will never restore peace and prosperity to these Colonies, until we flourish under this wholesome and generous principle of the Constitution.

If this statement of facts and chain of reasoning be correct—if the premises I have stated be founded in truth, and the conclusions be consistent with that system of logic, which is applicable to political enquiry—can you be surprised, that men, acquainted with the true principles of the Constitution, should be discontented with the gross injustice and the glaring defects of the present system of Colonial Governments? Would your Lordship, under this view of the facts, charge the Liberal party with disloyalty; because they first complain, and then resort to those moderate means of remonstrance and redress which the constitution confers? They deny either open or secret connexion with the French party in Lower Canada. We have disavowed their policy and their acts. Their leaders have besought, both by private letters and by appeals to the Legislature, their aid and sanction. They have refused to enter into correspondence with them; and, instead of answering their appeals, have told them they were quitting the road of honour and of constitutional safety; that they were seeking to invade, not to introduce the principles of the constitution, and to favour rebellion under the guise of Reform. They have never denied the prerogative of the Queen which vests the Crown and territorial revenues in the Crown—and have recognized that right by offering to commute them. Our House of Assembly, on their being surrendered, have offered to grant a permanent, and what, in their opinion, was a sufficient Civil List. They have never applied for an Elective Council—our majorities now disapprove of the principle of Election being applied to the upper Branch, as too democratic, and as striking at the essential and necessary checks of the Constitution. Had the able and impartial instructions of Lord Glenelg been followed out by His Excellency Sir Colin Campbell, in his late nomination of the Executive and Legislative Councils, (for Lord Glenelg unquestionably intended to confer upon Nova Scotia a Responsible Government,) this Province would have been contented, and your predecessor in office would never have been troubled with the late appeal from our popular branch—from a Colony

which, up to this hour, has borne the reputation, and, in truth, deserves it, of being the most loyal which belongs to the empire. In the history of our Colonial Empire, never did there exist a web of political partizanship more slightly covered; and from which the veil was not torn by the patient feeling, and the generous and enduring forbearance of an intelligent and truly loyal people.

But, say the official party, the people of Nova Scotia have of late years changed, they have been carried away by Papineau and his followers,—they are not the loyal men they once were—they are “agitated”—they return majorities of “grievance-hunters,”—their principles are not those of economy and reform, but those which will lead to rebellion and to independence. The leaders of the liberal party reply, (but their assertions, of course, weigh as nothing!) with deep professions of love to the Queen; they treat the intentions of the Colonial Minister with deserving respect; the Assembly vote, without a dissentient voice, the sum of £1000, place it under the controul of His Excellency, to be remitted to Sir John Colbourne, to support the widows and children of those who had fallen in the Canadian civil war,—they further pass a vote for £100,000,* and a Militia bill, to provide forces and funds to aid the Province of New Brunswick in resisting the invasion of the State of Maine,--to protect the soil and the flag of England from insult, at an hour and a season when the Army and the might of the Mother Country could not be marshalled out to crush a band of marauders; they were prepared to raise and appropriate this

* The London Quarterly Review, in the Number for October last, in offering its testimony in favour of the loyalty of these Provinces, thus speaks of this vote:—

“The House of Assembly of Nova Scotia, animated with the same determination to repel the faithless invasion of the Americans, unanimously passed resolutions for embodying volunteers and draft companies of Militia, amounting to 8000 men. Moreover, they most nobly authorized the expenditure of one hundred thousand pounds, if it should be required, to repel the aggressions on the sister Province. Not satisfied with passing this vote unanimously, the House actually rose, and gave three cheers for the Province which had been invaded, and three cheers for her most gracious Majesty Queen Victoria.” p. 489. Such is the view of this transaction taken by the Tories of England—the sneers and criticisms of the Colonial Tories notwithstanding!

* The following peroration, delivered on that occasion by Mr. Macaulay, now a member of the Cabinet, is chastely and impressively eloquent:

“It seems to me, that, in our history, I can discern a great party often depressed, but never extinguished, preserving its constant identity; a party which, though often tainted with the sins of the age, has been always in advance of it; a party which, though guilty of some crimes and errors, has yet generally been on the side of civil freedom, religious toleration, civilization, and social improvement, and of that party I am proud to acknowledge myself a member—(Loud cheering). That party began to exist before the words Whig and Tory came into use, and would still exist though those words should become obsolete. That was the party, Gentlemen, which, in the great question of monopolies, stood up against Elizabeth; that was the party which, in the reign of James I. organized for the first time parliamentary opposition, gradually advanced the privileges of the people, and gradually drove back the prerogative of the Crown. That party, under Charles the First, abolished the ship-money, the Star Chamber, the High Commission Court. That party, under Charles the Second, obtained the Habeas Corpus Act. That party effected the Revolution. That party carried the Toleration Act. That party broke in this country the yoke of a foreign church, and saved Scotland from the cruel fate of Ireland. That party reared and maintained the constitutional throne of the house of Hanover against the hostility of the Church and landed aristocracy of England. That party opposed the American war. That party stood up against the domination of Pitt. That party first gave liberty of conscience to the Protestant Dissenter, and afterwards by great exertions and sacrifices, extended the same liberty to the Catholic. To the exertions of that party in the seventeenth century we owe it that we have a House of Commons. To its exertions in the nineteenth century we owe it that the House of Commons has been purified. That party abolished the slave trade. That party abolished colonial slavery. Whatever has been done for the education of the people, or for the mitigation of the penal code, originated with that party; and to that party I belong. I look back with pride on its many titles of glory—on all that it has done for human liberty and human happiness. I see it now hard pressed, struggling with difficulties and dangers, but still fighting the good fight. At its head I still see men who have inherited the virtues and the courage, as well as the names and the blood, of old champions and martyrs of freedom. My post is at their side—(Cheers). Delusion may triumph, but the triumphs of delusion are but for a day—(Great cheering). We may be defeated; but our principles will, I am convinced, only gain fresh strength from defending them—(Renewed cheering). But be that as it may, my party is taken. While one shred of the old banner is flying, by that banner will I at least be found—(Great cheering). The good old cause, as Sydney called it on the scaffold—vanquished or victorious—insulted or applauded—the good old cause is still the good old cause with me—(Great cheering). Whether in or out of Parliament—whether speaking with that authority which must always belong to the representative of this great and enlightened community, or expressing the humbler sentiments of a private citizen, I will to the last maintain inviolate my fidelity to principles which, though they may be for a time borne down by senseless clamour—are yet strong with the strength, and immortal with the immortality of truth—and to men who, however they may be misunderstood or misrepresented by contemporaries, will assuredly find justice and admiration from a better age—(Cheering).”

enormous sum,—and, many of them being Officers, to expose themselves to the chance of being drafted for a dangerous and novel service. Such professions may be made, and such acts done; and yet, because the same majority, in the same session, passed moderate resolutions to expose errors of fact, and in reasoning, committed both by his Excellency and the Colonial Minister, and determine to send a Delegation to London, in obedience to an express request, conveyed in a public despatch by the Colonial Minister himself,—that they might enjoy the benefit of personal communication, after they had exhausted correspondence, and could not effect an amicable compromise,—our “official party” stand by, and sneer at every act of what they call the “Radical majority!”—traluce their intentions and motives,—and persuade his Excellency (but too easily misled!) to tarnish the close of his administration by joining their faction; and sending two of them to London, selected from the Legislative Council, to deny the existence of grievances at all,—to deny that “the liberal party” had even an existence,—and to defeat the wishes of the House, and the hopes of the country, by that species of opposition to which even honourable men in political warfare will resort. It so happens, that those in power, after a full hearing of both parties, yielded to nearly every request and complaint the House had preferred; and thus gave the best answer to that opposition, which the liberal party in the Colonies expected from the place-holders, and their followers, whom the system has hitherto made, *not responsible advisers, but irresponsible Masters.*

But, my Lord, let me now try out this charge of disloyalty, upon which the changes have been rung, till it has become here a bye-word, and which, I hope, will exercise for the future the influence to which it is entitled in that Department over which your Lordship presides. Genuine loyalty I understand to be a rational and sober attachment to the forms of British Institutions, and to those tried and settled principles of British liberty which have come down to us, sanctified and hallowed by the thousand martyrs and sacrifices, of which history bears record. I consider that loyalty alone to be sincere and valuable, which is directed to the constitution in its purity,—not to the Constitution, if injured and violated by a faction, who use the powers with which they are vested, to extend their own influence and their own privileges,—to uphold their patronage and their pay, in opposition to the interests and welfare of the state.

If you be disposed, my Lord, to test the loyalty of the “Liberal party” here, by this standard, weigh them in the balance and they will not be found wanting. They love the Constitution. They believe it to be the best fabric of civil liberty ever yet framed and perfected by the genius of man. They feel, in common with their fellow subjects at home, the pride of a free-born and noble ancestry. They are attached to the soil and race from which they or their fathers have sprung. All that Britain has achieved in arts, arms, and literature,—the glorious immortality she has gathered in her brilliant race of past ages, is treasured up in their affections, as triumphs in which they have a common interest. The altars at which they worship were raised by their sires, and transplanted by them—they know them to be the same,—a community of worship and of creed bind them to each other. They are proud to rank themselves among that self-denying and holy band, who have stood as sentinels at the out-works of the Constitution, and have sounded the alarm when the enemy was at hand. They are the humble adherents of that great party, who were so justly characterised by Mr. Macauley, in the eloquent and brilliant address,* which he made in May last, to the electors of Edinburgh. They are content, my Lord, to stand, however unworthy they may be of the companionship, with the Howards, the Sydneys, the Russells, the Greys,—who have dignified past history with their struggles, and give its lessons such dignity, eloquence, and fascination. They and you, my Lord, have outlived a long and fiery ordeal of opposition and persecution; but your party did not yield to it; the phalanx of the Whigs stood like the oak,—the storm which blew upon it, and threatened to strike it down, gave its roots a firmer footing, and nursed it into broader proportions, and even more luxuriant foliage. Your loyalty, like theirs, was at one time exposed to misrepresentation and slander. You stood for years in a minority, who could then be maligned and opposed with impunity. Although the struggle seemed hopeless, and your adversaries won their daily triumphs, the Whigs adhered to their principles, with

that fervent hope and undying confidence which the truth never fails to inspire. You have triumphed at last. Your principles are those of the Cabinet. The Reform Bill is passed, and is working its mighty and beneficial changes. The liberal party in the Colonies feel, too, my Lord, that their days of triumph are approaching. That their loyalty will outlive that spurious plant cultivated by those by whom theirs has been questioned; and that the time is not distant, when the peace of your Colonial Governments will not be disturbed, and millions of your Revenue squandered, not to uphold the British connexion—that is not sought to be disturbed;—not to prevent a dismemberment of the Empire, for that we will obstinately resist;—but to support the unconstitutional pretensions and powers of those “official factions” and “Family compacts,” who have been the incubus of your Colonial Governments, anterior even to the American Revolution, and who have had the curious art to seduce the Colonial Minister into all the errors he has committed; and have thus created the discontents, and fostered every excitement, which has disturbed the Colonial relations of the Empire, since its Colonies were founded.

It will be my duty, before I have done, to trace the sources of discontent in these colonies to their origin, and to establish that they have sprung solely from resistance, not to the Imperial Parliament or the Ministers, but to the official factions. I will not dwell here, by any tedious investigation into the causes which hastened the separation and independence of the Old States; because the policy of the Government at the time—the imposition of taxes by the Imperial Parliament—is now condemned by all parties, and led to the passage of the declaratory act of 18 Geo. III, which has since been styled the Charter of Colonial Freedom. In the rise of that struggle we find, however, that the union of the executive and official factions—the constitution of their councils—the numbers, the emoluments and acts of the public functionaries—the disregard and contempt with which the Assemblies were treated—the dissolutions with which, whenever reluctant to yield to the rule and policy of their Official Lords, they were harassed,—had been for years, before rebellion was threatened, the subject of deep and bitter complaints; and unquestionably produced and fostered that acerbity of feeling, which, when inflamed by more open and daring invasions of the people’s rights, led to that violent contest, between the parent and the child, with which the history of human freedom has been tarnished.* These causes, which existed then as they exist now, although in a more modified shape, never would have conducted of themselves to the subsequent crisis and declaration of independence; but they gradually weakened the bonds of national relationship, tainted the reputation and destroyed the influence of the parent state. The numbers, the acts, the boldness of the “officials,” compelled the Colonists to rely less confidently upon the justice and protection of the Ministry of that age. Eloquence, it is said, rises to the subject and occasion which inspire it, and hence the noble fame of Chatham has become an instructive lesson to statesmen for ages to come.

Let not the purpose of these references be misconceived. They are addressed as a warning to the factions of the day, to convince them, and if not them, at least the impartial enquirers, that it is they who obstinately stand ing “super vias antiquas”—not that Liberal party, who la-

* “That Governors often come to the Colonies merely to make fortunes, with which they intend to return to Britain, are not men always of the best abilities or integrity: have many of them no estates here, nor any natural connexions with us that should make them heartily concerned for our welfare, and might possibly be fond of raising and keeping up more forces than necessary from the profits accruing to themselves, and to make provision for their friends and dependants.”

* “That the Counsellors in most of the Colonies being appointed by the Crown on the recommendation of Governors, are often persons of small estate, frequently dependent on the Governors for offices, and therefore too much under their influence.”

* * * * * If you are told of discontents in your Colonies never believe that they are general, or that you have given occasion for them; therefore, do not think of applying any remedy, or of changing any offensive measure. Redress no grievance, lest they should be encouraged to demand the redress of some other grievance. Grant no request that is just and reasonable. Take all your information of the state of the Colonies from your Governors and Officers in enmity with them. Encourage and reward these leasing makers; secrete their accusations, lest they should be confuted; and believe nothing you hear from the friends of the people; suppose all their complaints to be invented and promoted by a few factious demagogues, whom, if you could defeat and punish, all would be quiet.—*Rules for reducing a great Empire to a small one, prescribed to a late Minister.*—Franklin’s Works, Vol. 5, p. 432.

bour to introduce the moderate and constitutional reforms, which the increasing intelligence of the age demands, that place the integrity of the Empire in danger; and who, to preserve their own power, would shake down the pillars of the Constitution.

In Lower Canada, again, the revolt of the French Canadians was no doubt inspired by the cherished and lingering hostilities of a conquered and jealous race. The sympathies of the majority were antagonist to union and strength. But can it be said that the "official faction" in that Province are free of all blame? Turn to the period when the voice of discontent was first raised, and follow it down to the hour when Papineau and his party resorted to arms. I appeal to the case of Sir John Carmichael—to the disposition of the Crown Lands, as detailed in Lord Durham's Report—to the construction of the Legislative Council, as described in the Report of the Commission in 1836, and by Lord Durham in 1839; and it will be admitted that the hostility of the two races is palpably insufficient to account for all the evils which have afflicted Lower Canada. "It is but too evident," says Lord Durham, "that Lower Canada, or the two Canadas, have not alone exhibited repeated conflicts between the executive and the popular branches of the legislature. The representative body of Upper Canada was, before the late election, hostile to the policy of the Government; the most serious discontents have only recently been calmed in Prince Edward's Island and New Brunswick; the Government is still, I believe, in a minority in the Lower House in Nova Scotia; and the dissensions of Newfoundland are hardly less violent than those of the Canadas. It may fairly be said that the natural state of government in all these Colonies is that of collision between the executive and the representative body."

It admits of no question that even the contest in Lower Canada might have been postponed, if not avoided, and the leaders of the French party propitiated, had the "official faction" protected less boldly every existing abuse—been less vehement in the defence of their own powers and emoluments, and less open in their contempt for the men who opposed them.

But quitting these two doubtful examples, where the contest has been governed and embittered by causes, which do not extend to the other Colonies, I ask you, my Lord, what are the present causes of discontent in them? Why is Upper Canada restless and agitated? The attachment of her population to the British constitution, after the generous sacrifices they have made of life and property to resist invasion, and to preserve their allegiance, cannot be doubted. What agitated the neighbouring Province of New Brunswick three years ago, during the administration of Sir Archibald Campbell, and led the Assembly to send a Delegation to London? What induced this Province to follow last Session the same example? What causes led to such a deep feeling of discontent in the Island of Cape Breton, while its destinies were ruled, and its revenues squandered by the faction of Sydney? What creates so bitter a feeling in Prince Edward Island against the Government now? *These effects may all be attributed to one cause—to that feeling of indignation, worthy of the ancestry from which we have sprung—that the Administrative power of these Colonies should be wielded in each of them by an "official faction," or "Family Compact," "WHO, IN FACT, ARE RESPONSIBLE TO NO POWER," who openly oppose and thwart the Assemblies—who live to violate the dearest principles of the Constitution—and who continue to enjoy their power, their emoluments, and their patronage, spite of popular opinion, the talent of the Press, repeated remonstrances, and rational and well-founded complaints.*

Having now touched upon the evils we endure, I intend to suggest the remedies, and devote the subsequent letters to their development and illustration.

LETTER II.

On the advantages of a Federal Union of the Colonies of British North America—the evils now felt from the want of general council and combined action in the prosecution of general improvements, and protection of Commerce—and the effects of a United Government in eradicating the influence of the Official Factions—introducing Responsible or Constitutional Government—promoting Colonial prosperity—and perpetuating the British connexion.

CONTENTS.—Benefits derived from these Colonies by the

Parent State.—Additional progress anticipated in the trade and prosperity of these Provinces, from the present era. Steam Communication with Great Britain and the West India Colonies.—Effect on Halifax.—Three possible changes in the Government of these Colonies.—Party in Great Britain opposed to Colonial connexion.—Colonial independence suggested by Lord Brougham and other Statesmen.—Speeches in Parliament on the subject.—Effect of a separation on the Old world.—If effected now, these Colonies would, contrary to the feelings and opinions of the people, be compelled to join the neighbouring Republic.—Have not the elements to form an independent State, based on British principles.—Cost and effects of a union with the United States.—Opposed to the wishes of the Colonists.—Averse to a separation.—Effect of a union in these Colonies on the power and policy of the United States.—Strong and imperative necessity for a change and improvement in the Government of these Colonies.—The introduction of local responsibility indispensable.—Effect of a federal union.—Union is strength.—The Government guided by sound and consistent advice, not as now palsied and misled by conflicting counsel.—Disadvantages of the present system to the Colonies themselves.—These Colonies peculiarly fitted for such an union.—Such union suggested from the earliest period of American Colonial History.—Recommended by the late Duke of Kent and the late Attorney General, Mr. Uniacke.—Also in Lord Durham's Report.—Opposed in our Legislative Council.—Why.—Acts of Imperial Parliament.—Steam Packets and Post Office.—Great Post Road to Quebec.—Bay Verte Canal.—Light Houses.—Weights and Measures.—Currency.—No uniform system of revenue and taxation.—Local war of Legislation by the Colonies against each other.—Effect of a Union in destroying the "Family Compacts."—If united, the evils now felt by these Colonies would have been avoided.—Confederation necessary from the projected union of the Canadas.—Benefit of a union depends entirely upon the wisdom with which it is planned.—Federal Union of the States, no example to us.—No analogy between the two cases.—Guided by the errors committed by the neighbouring Republics.

To the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, &c. &c.

Halifax, N. S. November 1, 1839.

MY LORD,

In the opening of this second letter I will not enter into complicated details to prove the value and importance of these Colonies to the parent State. The superiority of a Colonial population in the consumption of Manufactures, has become a political axiom. In the United States the consumption is 16s. 3d. sterling,—in the Colonies of British North America it is calculated at 61s. sterling per head. Our timber trade gives employment to a large commercial marine, and renders the nation independent of the Northern Powers. Our fisheries confer a vast advantage in negotiating with the United States,—our products of fish and timber are essential to the comfort and prosperity of the West India dependencies,—and our position in this hemisphere creates a counter-check—these Colonies stand as an impassable barrier—to the rapid advance and ambitious views of the neighbouring Republic. Strip Great Britain of these Colonies, and her power and dominion both in the Old and New World will be lessened. She could treat less independently with Prussia and Russia; and resist less successfully the grasping policy of the United States. The power of these rivals would be increased,—that of England proportionably lessened. "Great Britain, without her Colonies, would be reduced," says Sir Robert Peel, "from a first to being a fifth-rate Power." The issue of the present contest in Canada will decide the fate of her Colonial Empire. Decide it wisely, my Lord; the British flag will still wave over Halifax and Quebec,—unfortunately, these Colonies and the Indies, now restless and agitated, may abandon their allegiance, and enter that course of political change, of which Providence alone can see the issues and end. These issues may be for good—they may be for evil; but the chance of such results lends greater dignity and importance to our present enquiry.

Rapid as has been the past progress of these Colonies, they stand now upon a new era, and in the course of the next twenty years, it is expected their progress will surpass that of the two last centuries. There is no similar area in the world, where, space for space, there exist all the elements of wealth

and power in greater abundance. We have a soil and climate fitted for the production of the grains, and many districts far superior in fertility and climate to that of England. The coasts of the Labrador, Newfoundland, and Nova Scotia, and the Banks of Newfoundland, afford the widest and most prolific fishing grounds which are to be found in the world. Nova Scotia is one broad field of mineral wealth,—coals, iron, limestone and gypsum, lie here upon the borders of the ocean: there are no harbours in this hemisphere superior to those of Halifax and Shelburne. Our colonies possess every thing which the U. States require to make them a great and independent nation;—the forests of New Brunswick and the Ottawa—the fisheries of our coasts—the coals and minerals of Cape Breton—our accessible and excellent harbours:—and now that we have an active and intelligent population—merchants of enterprise and capital—an extensive and growing commerce—and are about to be connected, both with the Old World and the New, by lines of steam communication,—it is predicted that Halifax will, in the next twenty years, surpass her past progress; and eventually become what Cadiz was to Spain in the reign of Ferdinand and Isabella—Gibraltar is now to the Mediterranean; and in the course of a century, the London or the Liverpool of the vast continent of America. Our progress in the past has been *in spite of an ignorant and mischievous system of politics and Colonial rule*—the energies of the people have been cramped and restrained by an Executive and Councils, who have laboured to crush the action of public opinion, to prevent the growth of liberal education, and to check that free and masculine spirit of enquiry in politics, which invariably leads to enterprise, speculation and prosperity in private affairs. The introduction of a better system will give a new impetus to the development of the Colonial mind,—by rendering the system of Government *subservient*, and not as now *in opposition* to the prosperity and happiness of the people. To aid in accomplishing this end is a labour upon which the blessings of Providence cannot but rest; and will amply reward your Lordship, even as a leading statesman of the age, for the time and services it will require.

In looking to the future destines of these Provinces, there are three possible events which may occur.

First. They may continue, as at the present moment, Dependencies of the Crown.

Second. They may be erected into an Independent Nation or state, under the Monarchical form of Government, and bound to the Parent State by a treaty of alliance, offensive and defensive, ruled by the same principles of Commercial policy, and extending to each other, to their different manufactures and productions, a mutual tariff of protection and encouragement; or—

Third. They may quit their present political relations, and found a Republican Union, either independent of, or in connection with, the United States.

All of these issues, lying in the womb of time, have been contemplated by political writers; but amid such chances, it is the business of an enlightened statesman so to frame his policy as to bring out that result, which will best promote the prosperity of the Empire, and the peace and happiness of the world.

That the Colonists themselves have been compelled to contemplate the possibility of independence at no distant period, and effected by some decided action of the public mind in the Mother Country,—it would be disingenuous to deny. The existence of a large and powerful party in Great Britain, who are opposed to the Colonial connexion, who deem its continuance as adverse to the expansion of the principles of free trade,—who think its benefits far more than counterbalanced by the army, and the annual expenditure it requires,—who disapprove of the late extraordinary expenses required in the Canadas, which have been calculated by Mr. Warburton* at the enormous sum of nine millions five hun-

dred and forty-eight thousand three hundred pounds sterling,—who either feel no interest in, or an open and avowed aversion to, the debates, which lately agitated Parliament, upon Colonial affairs,—and who regard the Colonies as encumbrances, rather than as blessings,—is known and dreaded. Under the present system of Colonial rule, leading to excitement and discontent, this party cannot lessen, but will increase. The national debt and expenditure already weigh too heavily upon the English people, and cut too deeply upon the comforts and bread of the labouring classes, to permit any ministry to add to the annual estimates, in order to support a policy, which the sober sense and intelligence of the age cannot vindicate. The English people will not justify those measures of Colonial policy, of which the Colonists themselves do not approve. We unquestionably rejoiced to see the rebellion in Canada put down; but in looking at the causes of the Rebellion, we saw much to condemn—much to palliate in the French and to blame in their rulers. All these causes, the rise and origin of the Canadian struggles, would, it was foreseen, be exposed to the supervision and judgment of the British public. Lord Durham has made that exposure; it has been described in Parliament by Mr. Buller and others—the Report, a document distinguished by its eloquence and force of truth, exists for future warning and instruction; the “official factions” stand out in their true colours;—and although the French cannot be vindicated, although moderation on their part would have ultimately led to reform and triumph—the English people will look to both sides of the question; and yet enquire, with sober philosophy, if resistance to moderate and constitutional complaints, in the first instance, did not lead to bolder and unconstitutional demands, and then to violence and madness in the end. That the French faction are put down, and British supremacy established (I hope happily and forever!) in Lower Canada, is not now in doubt; but that portion of the English people, who are the friends of economy and free trade, and the Chartist,† are yet to be reconciled to an expenditure of millions of the national revenue, appropriated to services which they openly condemn. The regret which the “liberal party” have felt in the Colonies, at the extra expenditures of Canada, has been this—that it will add to the numbers and strength of the anti-colonial party which exists in Great Britain,—that it will confirm that feeling which animates, it is said, even members of the Cabinet, to propitiate the United States by a sacrifice of our local interests,‡—and that the nation, exasperated at last by our volumes of complaints, denied and maligned by the official factions, whose real policy may not be thoroughly sifted and comprehended—will, in some sudden fit of disgust and indignation, adopt the advice of Lord Brougham§ and Mr. War-

* Mr. Ward, in his speech, delivered in the House of Commons, June 27th, 1839, on the Waste Lands in the Colonies, has given a picture of the state of political knowledge and feeling among the lower classes in Great Britain, which cannot be read without deep and serious consideration.

† Of this feeling all the past negotiations with the United States may be referred to as decisive testimony. Upon this subject I have written before.—See Letters to Mr. Stanley—Letter III. p. 28. By a late opportunity I received from London, “An Exposition of the causes and the consequences of the Boundary differences between Great Britain and the United States, prepared by David Urquhart, Esquire, in a published letter to the Chamber of Commerce in Sheffield, in which several new facts are brought out on this subject. Mr. Urquhart is now known to be one of the leading men and politicians of the age. His Letter is a most powerful production.

§ The following extracts from his Lordship’s speeches in the House of Lords, and published now in an edition corrected by his own hand, have created a deep sensation among thinking men in this hemisphere:

“ But let it not all the while be supposed, that when I dwell upon the greatness of the occasion, it is from setting any high value upon such a possession as Canada. The crisis is great and the position difficult on the assumption, that you will resolve to keep hold of it, whether in prudence you ought or not, and will be for making sacrifices to retain it, of which I hold it altogether unworthy. Not only do I consider the possession as worth no breach of Constitution—no violation of the principles of Justice.—Good God! what possession can ever be of a value to justify a price like that! But in a national point of view I really hold these Colonies to be worth nothing.” * * * *

“ I am well assured that we shall then find them very little worth the cost they have entailed on us, in men, in money, and in injuries to our trade; nay, that their separation even now will be a positive gain, so it be effected on friendly terms, and succeeded by an amicable intercourse. The government and defence of Canada alone cost us considerably more than half a million; independent of that million and a half which we have expended on the Rideau Canal, and between two

* Mr. Warburton, in the course of a lengthy speech, delivered in the House of Commons, in August, 1838, stated that the Canadas cost the English Nation upwards of two millions and a half annually, including Canals, Ecclesiastical Establishment, the Army, Navy, and Indian Establishment, the Commissariat, Ordnance and Engineer Department, Public Works, &c. &c. exclusive of the Timber and Wheat Monopolies; and argued, at much length, that it would be to the advantage of Great Britain to negotiate a peaceable separation. Similar opinions were expressed by Sir Henry Parnell, Bart. M. P. for Dundee, and late Secretary of War. The Right Hon. Thomas Spring Rice, Chancellor of the Exchequer, in his speech on opening the budget in the House of Commons, on the 7th July, 1839, stated that the extraordinary expenses alone, for the military defence of the Canadas, for the two years ending 1838, amounted to £917,000, and that the estimate for the present year, ending April, 1840, is £1,101,300, which, added to the former sum, makes £2,048,300, for extraordinary expen-

ses alone. And if we add this sum to the ordinary expenses, as stated by Mr. Warburton, Sir Henry Parnell, and others, it will be found, for the last three years, that the Canadas cost the British Nation the enormous sum of £9,548,300 Sterling.”—Lieut. Colonel McGowen’s Letters on Responsible Government. Toronto. 1839. p. 2, 3.

burton, and, by a vo'e of the Commons, advise a *peaceable* or compel a *lasting* separation. It is to avoid this possible result—to perpetuate our connexion with the Parent State—to preserve our inheritance to her liberties, her glories, and her greatness, which renders the liberal party in the Colonies, who number nine to ten of the whole population, so anxious to strike down the power of the official factions,—to import into our Governments the true principles of the Constitution,—and to introduce that *practical and local responsibility* which is indispensable to our political peace and welfare.

If that advice should ever be sent from home,—if our Mother should ever say to us, “Abandon your allegiance and filial affections, and look no longer to me for protection and support; follow your own policy, and pursue your own interests, without regard to, or consultation with me; I expel you, as unworthy and discontented children, from that ancient and venerable homestead in which you have been reared;” Believe me, my Lord, such language will not be responded to here in a spirit of kindness and conciliation. Whatever may be our position at some far distant time, we are not yet able to support in this hemisphere an independent Government, based upon the principles of the British Constitution. We have not yet the wealth—the population—the age—or the social elements, which the independent existence of British institutions and liberty requires. We are not yet able to support a standing army, nor to raise a naval force; we have no native-born aristocracy to create a political balance to the excesses of the people, like the landed gentry and ancient nobility of England. What prince would be seduced from the Old world by the beggarly allowance we could secure him? His, indeed, would be a crown without its splendour and appanage! Give us independence, my Lord; and with all our known and avowed antipathies to Republican institutions,* we would be under the stern neces-

and three millions on fortifications, uselessly spent. I speak on the authority of a Minister of the Crown, who has recorded his opinion of the burden we sustain in holding such possessions.”

Lord Glenelg—Who?

“The paymaster of the forces (Sir H. Parnell). But beside all this we have to pay 5s. Sterling duty on the excellent timber of the Baltic, in order that we may be compelled to use the bad timber of Canada, at a higher price, on a 10s. duty. The severance of the Colony would not only open our markets to the better and cheaper commodity which grows near our own doors, but would open the Baltic markets to our own manufactures, restrained as they now are in their export to the North of Europe, by the want of any commodities which we can take in return. Their produce is grain and timber,—and our corn laws, for the benefit of the landed interest, shut out the one, while our Colonial laws, for the benefit of the planters, shut out the other. Is it not then full time that we should make up our minds to a separation so beneficial to all parties, if it shall only take place amicably; and, by uniting together the whole of our North American possessions, form an independent, flourishing, and powerful State, which may balance the Colossal Empire of the West.”—Lord Brougham’s Speech on the Mis-treatment of the British North American Colonies, January 18, 1838.—Brougham’s Speeches, vol. 4, 233.

“It is the great benefit of Colonial establishments that, in different degrees and kinds, during their infancy, they help us as well as we help them, and in their maturity, when separation becomes inevitable, the two independent States continue to help each, in an increased proportion. See the prodigious increase of our intercourse with independent America, compared with that intercourse during our former political and proprietary Empire over it, and you will be fully convinced of this. But let us remember that all these great advantages, for a long course of years at least, may depend on the temperate manner in which we quit the partnership, and the feelings in which the long subsisting tie is severed. If those are of animosity,—if wounds are left rankling on both sides, then we cannot expect anything like the natural, and what, in all other circumstances, under the dispensation of a just and wise policy should be the inevitable advantages of the future intercourse with the newly independent state. My prayer is that we may so order our policy with respect to North America, as, when the hour of separation does arrive;—and sooner or later, by common consent, come it must; we may be found to have done nothing that shall leave wounds to rankle, but that the relation of Colony and Mother,—the relation of temporary dependence and sovereignty, on either hand, ceasing in the course of nature, other relations may be substituted of one free State with another, not enemies but friends, and in the honest emulation of rivals, running together the great race of social improvement, with an emulation which the high descent of the new state makes her worthy of sustaining with the old.”—Lord Brougham’s Speech on the “Affairs of Lower Canada,” February 8, 1839. Brougham’s Speeches, vol. 4, p. 304.

In answer to these arguments upon the comparative value of the Colonial trade, and the intercourse with the Northern Powers, I beg to refer to Young’s Letters to Mr. Stanley, upon the “Rights of Fishery and Colonial Policy”—Ridgway. 1834—where the different works upon the subject and the statistics are referred to, and the argument reviewed.

* The consideration of this subject is not novel to us. It is a settled conviction, impressed upon the minds of colonial politicians, that the connexion promotes the interests both of the Parent State and of the Dependencies. The advantages derived by the latter were fully illustrated in the “Preface” to the edition of my letters on the Rights of Fishery and Colonial Policy, which was circulated in Halifax, on 1st March, 1834.

sity of accepting the patronage and protection, of the United States, and of becoming states or members of their Republic.

Would such a result as this advance the greatness or the security of the British Empire? The jealousies which exist between the Northern and Southern States, and which would now prevent any combined action to increase the power of the former, by embracing the Canadas, would soon be reconciled, if the hope of effecting it peacefully were made feasible. The certainty of adding to their own strength and weakening that of their great Rival, would extirpate these local jealousies, and they would gladly effect the Union, by creating among themselves some “new balance of power.” The whole field of this Northern Continent, would then be their own: their boundaries would be the Atlantic, on the one side—and the Pacific on the other. Their policy in extirpating the Indian tribes, would not be controlled, as at present, by the fear which restrains them, of enkindling the humanity of England, and the other powers of the old world, to step in and save an ancient, innocent and helpless race, from being extirpated, and made the victims of a history yet to be told. Their commercial marine would multiply, by their enjoying uncontrollled the Whale Fisheries of Hudson’s Bay—the Cod Fisheries of Labrador and Nova Scotia, and the timber trade of Canada and New Brunswick. The State of New York, would have the St. Lawrence—and Maine, the noble river of St. John, as their outlets. They would use our harbors to keep and build their Navy—they have no harbors now. They would have the coasts of Cape Breton under command for their Steam-boats and Manufactories; these exist now only in the Alleghanies, distant some hundreds of miles from the Atlantic: a climate in this province equal to England for the spinning of cotton; iron and coal here in close juxtaposition, to prepare for their railroads; the West India Colonies dependent for supplies. England would have here no footing ground, or refitting port, for her ships of war; then indeed the Republic would be independent; then, by the Incorporation of those Colonies into the Union, the world would lose the only existing tie of mutual dependence which binds the New world to the Old; then she might introduce a tariff effectually; then she would war against the Naval power, the manufacturing skill, and the Commercial Marine of England, with effect; and with the annihilation of British Institutions, she would destroy the British influence which is here still supreme, and may be perpetuated; and if prophecy be true, change the destinies of mankind in this western sanctuary of fallen empires.

If it be possible that the Anti-Colonial party, which now exists, and is daily increasing in England, should gain such a majority and force, as to compel upon us an independent Government, contrary even to our own wishes—or, if the doctrine advocated by Lord Brougham, and other politicians, be sound that Colonies from the unavoidable imperfection of their po-

† “It is remarkable that, along the whole of the Eastern coast of America, from Halifax in Nova Scotia, down to Pensacola in the Gulf of Mexico, there is not one good open harbor. The majority of the American harbors, are bound at the entrance so as to preclude a fleet from running out and in to manœuvre, at pleasure; indeed, if the tide does not serve, there are few of them in which a line of battle ship, hard pressed, could take refuge. A good spacious harbor, easy of access, like that of Halifax, in Nova Scotia, is one of the few advantages, perhaps the only natural advantage, wanting in the United States.”—Mariott’s Diary in America—Appendix, American Marine.

I recommend the entire article by Captain Mariott, and Chief Justice Haliburton’s Pamphlet, entitled, “Observations upon the importance of the British North American Colonies,” as presenting correct views of the superiority which the United States would reach in her Commercial and Naval Marine, if these Colonies became part of the Republic.

‡ These masses of coal lie in the valley of the Kenawha—a river which runs into the Ohio. These fields of coal are described in Mariott’s Diary, Paris edition, p. 174.

§ The value and importance of these Colonies, as a nursery for Seamen—as a part of the British Commercial Marine, is strikingly brought out by Captain Mariott, in his chapter upon the American Marine. His estimate is “that the Americans now employ 30,000 of our Seamen in their service.” In concluding the Chapter, he says—

“Now, from the above remarks, three points are clearly deducible—

“1st. That America always has obtained, and for a long time to come, will obtain, her seamen altogether from Great Britain.

“2nd. That those seamen can be naturalized immediately, and become seamen by law.

“3rd. That under present circumstances, England is under the necessity of raising seamen, not only for her own Navy, but also for the Americans; and that, in proportion as the commerce and shipping of America shall increase, so will the demand upon us become more onerous; and that, should we fail in producing the number of seamen necessary for both services, the Americans will always be full manned, whilst any defalcation must fall upon ourselves.”

If Great Britain desires to maintain her naval supremacy, ca. it be her interest to lose the control of the Canada trade, which gives employment now to *one third* of the commercial Marine of the Empire

political relations, or from the natural progress of freedom in a Colonial Government, founded upon Constitutional principles, have a natural tendency towards self-independence; and if this be the certain end at which these Colonies, either from the action of the parent State, or from the progress or development of those principles, inherent to their own Constitutions, must eventually reach—it is in either case alike wise, that, while they are dependent upon the parent State, she should so guide their affairs, as to secure their attachment, by promoting their prosperity; and before separation, to lay deep those impressions of gratitude and affection, which will found afterwards an intimate and kindly alliance.

Enough has been already adduced, my Lord, I hope, to convince you, that no system of policy was ever devised, more aptly fitted to beget hostilities, and to lead to disaffection, than the present. Our very love and admiration for the Constitution, in its purity and vigor, renders us less inclined to submit to a form of Government, where every sound principle which belongs to the Constitution, is invaded and insulted; where its Executive powers are wielded without control; where its functionaries instead of being subservient *under wholesome regulations*, to the popular Branch, are superior to and oppose it; where the whole patronage of the Government is dispensed to support a faction, and in opposition to the wishes and sober judgment of the people. If you wish us to continue dependencies, or if you would compel us to set-up the business of self-government for ourselves, you must introduce here the same principle of Responsibility which exists at Home; and create among the Colonists themselves, some neutralizing and harmonious power, which will remove several of our admitted grievances, and render a reference to the Colonial Minister, less frequent, because less necessary. In Mr Howe's pamphlet upon the subject of "Responsible Government," the practical introduction of the principle, has been so clearly vindicated, and several of the objections raised, so fully and elaborately answered, that I do not intend to pause upon the ground he has thus pre-occupied. There are still some additional views to be exhibited. My purpose, in the first instance, will be to shew the benefits which a Federate Union of the Colonies will confer, by extending the principle of Responsibility, beyond the local affairs of each Colony, as administered by its own Legislature,—by securing the invaluable principles of the Constitution in the arrangement of those general questions, in which the Colonists have a common interest,—and in rendering the duties of the Minister of State for the Colonies, less complicated and less laborious, less likely to lead to conflict, and thus better adapted to perpetuate the British connection for ages to come.

That the Colonies of British North America, both from local position and from the nature of their different productions—are fitted to form a union of this kind, cannot be denied. The grains, the timber, and the furs of Canada—the deals and ships of New Brunswick and this Province—the fish of Nova Scotia and Newfoundland—create branches of trade which will all flourish under the same system of commercial protection and policy. They find the readiest sale, and the highest prices, in the British and Colonial markets. At the present moment, these Colonies have no combined principle of action in the protection of any one of these great Colonial interests. If any enquiry were suggested, or change threatened relative to the Timber Duties—to the protection afforded to Fish in the West India Islands, or South America, or the Catholic Countries of Europe,—each Colony, although all are alike interested—although deals, timber, and ships are furnished by the Canadas, New Brunswick, and Nova Scotia—and fish come from Labrador, the Bay De Chaleur, Newfoundland, Prince Edward Island, and Nova Scotia—would sound the alarm for itself, and suggest some plan of defence, or measure of protection; but in these representations, they are each governed by their views of local interest—they have no means—no opportunity of* joint consultation—no chance of a combined

movement—and hence, no powerful action, or resistless influence in protecting the tariff upon which their Commerce depends. Nay further—if union be strength, their representations to the Government rather palsey than guide it—their advice and counsels conflict—the broad principle of protection is interfered with by narrow views, arising from a blind contemplation by each Colony of local interests,—some of the Colonies have agents in London, others have none,—some of these agencies are known to be of opposite British polities to the Ministry in power, and can, therefore, scarcely expect to enjoy with the Minister "confidential and friendly communications" upon Colonial affairs,—the Government seek advice, and the advice they receive, embarrasses, but cannot lead; and hence it is, from the pressure of those and similar evils, long felt and long lamented, that a Union of this kind was suggested in the United States* anterior to the Revolution—has been a favorite subject of contemplation among several Colonial Statesmen---was entertained by the Ministers themselves in the early part of 1838, in order that a general Council of Representatives should be called from all the Colonies to pass judgment upon the Canadian differences, and to guide the Home Government safely in the emergency which pressed them, (an idea only abandoned from the warm opposition of Colonists in London,) and was suggested by Lord Durham during his mission to this hemisphere. It has, however, excited the horror of our Colonial factions. Our "Compact" pronounced at once their anathema against it. In the last Session of our Provincial Legislature, they induced their known adherents† to lead in the Legislative Council, a debate and opposition ‡--- but opposition from such quarters—the refuge and strongholds of the "official factions"---will of itself induce (such is the force of reaction!) the Country and the Provinces to believe that the measure is useful, and deserves to be enquired into.

Again, in those acts passed by the Imperial Parliament for the regulation of our foreign trade, there are often provisions introduced, at the solicitation of the commercial interests of one Colony, which directly militate against the relations of another. Hamburg flour cannot, at the present moment, for example, be imported direct into the Lower Provinces, except upon paying a duty of five shillings sterling per barrel—it can be imported into Canada *duty free*; and can be landed in Halifax from a bonded Warehouse in Quebec, free of all impost. Speculations of this kind have been made last summer—the article is carried the circuitous voyage, and is landed in Halifax at a less cost than if conveyed direct. This provision was intended to benefit the Canadas, by creating a large inland trade from Europe and the Western States, by attracting the exports of the Erie Canal to the St. Lawrence, under the belief that no flour would be imported there from the North of Europe, upon the principle that "coals would not be carried to Newcastle,"—but it has come to affect injuriously the Canadas themselves, by interfering with the demand for Canada flour in the lower ports, and thus destroys the protection intended to be given to the Colonial agricultural and milling interests in British North America.

Again, the merchants of St. John, N. B. are now addressing the Board of Trade to have the protecting duties on *imported* salted provisions, and flour removed. That Province is less advanced in Agriculture, and more dependent on foreign supply, than either the Canadas or Nova Scotia. The Commercial Society of Halifax, with a view to the protection of our farmers, and the large capital now embarked in the Milling business in this Province, are urging the impolicy of their removal. Here a local and partial interest is endeavouring to invade that common principle of protection which the merchants of St. John seek to preserve for their own timber and deals in the British market, and in the West

* My plan happened to be prepared * * By this plan the Government was to be administered by a President General, appointed and supported by the Crown; and a Grand Council to be chosen by the Representatives of the People of the general Colonies, met in their respective Assemblies. * * * Its fall was singular: the Assemblies did not adopt it, as they all thought there was too much *prerogative* in it; and in England, it was thought to have too much of the *democratic*." (Franklin's *Life by his Grandson*, 1. p. 202. See plan same work, 5 Vol. 305. For a history of these Unions—See Kent's *Commentaries*, 3rd Edition, Vol. 1. Lecture 10.—In Lord Durham's Report, p. 114, there is a letter from His late Royal Highness the Duke of Kent, in 1814, upon the subject: and the late Attorney General of this Province, Mr. Uniacke, was known to be the zealous advocate of such a Union.—Bayard's *Introduction to a "Brief Examination of the Constitution of the United States"*—p. 14, 15.

† See Journal of the Legislative Council of Nova Scotia, for Session 1838—pages 101, 3.

* In referring to a great Post Road from Halifax to Quebec, Lord Durham says in his Report, p. 113:

"For the various Colonies have no more means of connecting such common works with each other, than with the neighbouring States of the Union. They stand to each other in the position of foreign States, and of foreign States without diplomatic relations. The Governors may correspond with each other; the Legislatures may enact laws, carrying the common purpose into effect in their respective jurisdiction; but there is no power by which the various details may be speedily and satisfactorily settled, with the concurrence of the different parties."

Indies,---while they endeavour to remove the same principle of protection from others. Were they embraced in a general union, the *local* interest would be weighed down by the *general* interest—the benefit of one would yield to the good of the whole.

The West India Interests in London, are now addressing the Commercial Societies in these Colonies, to have imposed a heavy protecting duty upon the importation of Foreign Sugars, so as to secure them as a market for the sugars produced in the British West India Islands. Some merchants in St. John have agreed to support them. If imposed it would destroy our profitable and growing trade in sugars from the foreign Islands. The subject has been investigated by our Society for the encouragement of trade and manufactures—and the Secretary, Mr. Allison, has prepared an able answer to the communication sent from London, shewing that an increase of the duty would only alter the channels of our supply—would increase the importations from the East Indies and Mauritius, and would not benefit the trade sought to be protected. Had there been union, these views, being sound, would have led to combined action; and prevented the commercial influence of one Province for being set in array against the other, while their interests on this question are identically the same.

The Steam Packet communication with Great Britain, and the regulation of the General Post Office for these Colonies, are a matter of general concern. These packets are to land the Mails at Halifax,—the merchants in St. John are now applying for a daily post or communication with the capital. A Steamboat is to run from Pictou in the summer months to Quebec,—the sister Colonies have a direct interest in one great road—internal postage—rail roads. The winter communication, both between St. John and Quebec, is admitted to be defective. There ought to be *joint counsel, and joint action in the improvement of these lines of internal communication, and in the rates of internal postage. The great post road to Quebec, passes through Nova Scotia, New Brunswick, and Lower Canada—no general improvement can be effected, unless the Legislatures of the two Provinces, and the Council of the other, agree in a common measure. How can they meet, consult, and agree upon a general plan?

The Lighthouses along our coasts, benefit the commerce of all. The establishment at the Isle of Sable—the Light house at St. Paul's—the one at Canseau—and those at Brier Island and Grand Manan, belong to no one Province—they are the property of all. Nova Scotia for years has voted £400 annually for the support of the establishment of the Isle of Sable—the Canadas and New Brunswick contribute nothing. The erection of the Lighthouse on St. Paul's, was delayed year after year, because the Legislatures of the different Provinces, although all were anxious to raise a beacon for the protection of Colonial and British shipping upon this graveyard, which lies in the great pathway to the St. Lawrence, could not settle the proportions and place in which all would concur. These are supported by duties exacted in the different Colonies—they differ in each—their sites, building, and management, should be vested in a Board whose authority extended to all.

The Chamber of Commerce in St. John, and the Legislature of the Province of New Brunswick, feel a deep interest in the completion of the projected Canal, to connect the Gulf of St. Lawrence and the waters of the Bay of Funday. The petition of the Chamber to His Excellency Sir John Harvey, dated the 18th June, 1838, was sent with a †Circular to Lord Durham, and to his Excellency Sir Colin Campbell. The subject was before the Legislature of our own Province during the last Session. The circular of his Excellency and this petition, sets out the advantages of the enterprize to all the Colonies of British North America. The last clause of the latter concludes thus :

"Your Petitions, therefore, humbly pray your Excellency to communicate with Earl Durham, and the Lieutenant Governors of the various Colonies, requesting them to unite in urging the Ministers of Her Most Gracious Majesty to consider the manifold advantages which must necessar

ily flow to all the North American Provinces, and consequently to the trade and power of the Mother Country, from the completion of such a Canal; and that those Right Honorable Gentleman, who are so anxious to promote the interests of the Colonies, would select and forward such an Engineer as is above noted, to make the necessary surveys, and report to them as to utility, practibility, and, as in duty bound, your Petitioners will, with gratitude, every pray."

I am not prepared to express any opinion upon the utility of this enterprise—but it is obvious that the Canadas, and the four lower Provinces, have a deep interest in its discussion, and that if there existed a general Legislature, it could be more wisely decided there, than by the separate action of their Legislatures as they now exist.

It would promote the general prosperity, if there existed a common standard of weights and measures, a general law of inspection, and of tares.

The commercial interests of these Provinces feel severely, and suffer deeply from the want of a general currency. In each of them the same coins have different nominal values. The rates of Exchange upon England, the United States, and their Sister Colonies, vary and conflict with each other. The Home Government, by a Treasury Minute, have conferred a currency to the West Indies. There is here nearly a common feeling in favour of the *sovereign* and a *sterling* standard,—but the several Legislatures refrain from adopting it each in its own Colony, because they have not the power to extend it to the others. Upon this subject to illustrate the evils of the present system, and the advantages which would result from combined counsels, I refer you, my Lord, to the works quoted in the note beneath.*

The American fishermen who come from the Northern States to our shores, invade the resources alike of Lower Canada, Prince Edward Island, and Nova Scotia. They injure and insult our fishermen—draw and destroy our nets—enter our harbours—sell their produce without paying duties, and carry off the best fish from our fishermen, because they can supply them at a cheaper rate. If the Colonies were united by a general Government, they would soon devise a common plan of protection. Nova Scotia, unassisted, would hesitate to build and support a sufficient Steamboat or Cutter service to protect herself and the other Colonies; if the expense were borne out of a common fund, she would gladly bear her proportion.†

The present system leads to this unfortunate result, that each Colony has a system of revenue and taxation peculiar to itself. The taxes imposed by the Imperial Parliament for the regulation of our foreign commerce have a uniform and consistent operation, except where they have been slightly interfered with for the protection of some local interest in a particular Colony. Some of these have been already explained—the system of protection on importations from foreign ports, nevertheless, has a general bearing and operation. If the same generality were stamped upon Colonial taxation, it would facilitate inter-colonial intercourse and promote the general prosperity. So far from acting now upon any harmonious system the Legislatures of the neighboring Colonies have been said, *purposely*, to institute a war of Local Legislation against each other. The Western Counties of Nova Scotia, for example, prosecute a coasting trade, and draw the bulk of their supplies, from the City of St. John. Upon our coasts in Summer there is a scene of active smuggling. The Excise duties collected in these Counties bear no adequate proportion to their wealth and population, nor to the revenue paid in other parts of Nova Scotia. The Western shores derive many of their dutiable goods from the American Fishermen; and the Farmers and dealers on the Bay of Fundy, from St Johns:—the protection of the British and local manufactures, and of the resident and honest trader—and the rights of the Revenue are thus invaded. The scale of Excise duties upon West India produce and

* See on this subject Pamphlet on the History of the Bank of British North America, Colonial Exchanges and the expediency of introducing sterling.—*Orr & Co.* London, 1838. Report of the Committee of Trade, Halifax, 1839, and appendix. Report of the House of Assembly of Nova Scotia, 1839. *Journals*.—Appendix, No. 28, p. 27. Act passed in Nova-Scotia Legislature in 1833, called *Mr. Fairbanks' Currency Act*, and table of Coins annexed.

† See Young's Letters to the Right Honorable E. G. (now Lord Stanley, upon the right of Fisheries upon the Coast of Nova Scotia. Ridgeway & Sons, London, 1834. Report of the House of Assembly of Nova Scotia, in *Journals* for 1837, and the mass of evidence in Appendix to said Report.—T. Hyde. Villier's Memorial upon the Newfoundland Fisheries, 20th Oct. 1830, and Lord Durham's Report, p. . Rush's Residence in the Court of London, p. 324.

* The President of the Committee of Trade of St. John, Mr. Donaldson, lately addressed a letter to the Hon. Michael Tobin, the President of the Committee of Trade in Halifax, suggesting a meeting of two gentleman from each Province, at Annapolis, to arrange a plan for the establishment of this Port. Here is a practical proof of the *benefit* and *necessity* of the Union proposed. The views and report of the Committee on this question have been already published.

† See Appendix to the *Journals* of the Legislative Council, 1832, p. 38. Province of Nova Scotia for 1838—Vol. 1, p. 1—13.

upon British manufactured goods were at one time kept lower in New Brunswick than the duties imposed in Nova Scotia, for the very purpose, it is asserted, of lowering prices, and of thus giving a premium to the contraband trade carried on between the two Provinces, Nova Scotia would submit these grievances to the united Legislature, and some plan would be devised by which the duties, thus derived, either unfairly or by local circumstances, by the one Province from the other, would pass into the resources of each, according to the actual consumption of their populations. Between Governments, as between individuals, the rule of honesty would be found the safest and the best.

Of a general Court of appeal I will treat in my next letter.

But one grand result which would spring from a general federate Union of these Colonies remains yet to be explained. It would be the benign influence it would exercise upon the local politics of these different Colonies, upon the general questions which effect their constitutions, and upon the continuance and strength of their relations with the parent state.

If the effect of Imperial statutes and duties—the regulations of the Customs—the Packet service and Post Office—light-houses—the protection of the Colonial agriculture, trade and fisheries—the currency and the Provincial duties of Excise, in place of being treated now by each different colony for itself—pursuing a petty warfare of local advantage—one Legislature often abandoning, contrary to their better sense, a general and comprehensive policy, to counteract the selfish aim and act of another—each seeking to protect themselves for the time being—amid the common scramble for petty gains—were discussed in a general Legislature, where each was fairly represented, and all constitutionally checked and balanced,—*where the local interests of one, would be controlled by the intelligent vote of all*—where this vote would bear down the minority, and be counsel and advice, to which the Imperial Parliament and the Colonial Minister were alone bound to give respect—the duties of the Colonial Minister would unquestionably be lessened—they could then be brought within the compass of his power, and the Colonial Office would be swept of that system of intrigue, that host of applications—those volumes of appeals, which load its bureaus and crowd its halls, from the six different colonies in this hemisphere;—agitated as they now are, with a “war of opinions,” and “struggle for influence” between the officials and the liberal party—the champions of abuse on the one hand, and the friends of constitutional liberty and reform on the other—for this, My Lord, is the only distinction we can draw between these two parties.

If the decision of such a Legislature could be brought to bear—if six colonies could pass judgement upon the policy and acts of the “Family Compact” in one, their power and influence would soon be shorn of its present glories and profits of place. Each in its own sphere can command the *semblance* of a party. They have private friends—family connections—the substantials of power by enjoying the dispensation of patronage—and they thus can command the listless, the timid and the interested: but remove them from this scene—place them before a political tribunal where they will be tried upon upright and independent principles, where they will be judged “according to their merits,” let not this be denied them—and their *present claim of entire exemption from responsibility*—their artful and frequent shifting of the burthen of their own secret advice, and transgressions from themselves to his Excellency the Governor, or to the Colonial Minister, would be at an end. Such a system would not last an hour, and being known and felt, would only require to be exposed, to be corrected. Why is it that these “Factions,” proclaim themselves to be Tories, and denounce the party to which your Lordship belongs? Why do they and their press abuse Lord Durham and the principles of his Report? They are the enemies of the Whigs and of his Lordship because your and his principles are based upon free enquiry and common justice—because favourable to liberty, to improvement and to the happiness of the people,—and because they know that the principles of reform, which Your Lordship supports, when transplanted here will cut down their power and lofty pretensions, and reduce them to their just station, assigned by the standard of the Constitution. Had such a Legislature existed, it is believed that the Resolutions introduced by Your Lordship, in 1836, to authorize an appropriation of the revenues of Canada by a vote of the House of Commons—the late debates—the Canada Act with its new theories of District Councils and periodical dis-

solution of the Legislative Councils, at the expiration of every eight years, never would have been required. The grievances existing in Lower Canada would have been enquired into, and redressed in time. The demands of the French party for a National Convention, an Elective Council and for the relinquishment of the Casual Revenue in return for an annual civil list, would have been there discussed, and rejected by an overwhelming majority, if not an unanimous vote. The united sense—the public intelligence of these Colonies, are unanimous in condemning them, because unconstitutional and extravagant. The majority might have been restored to a better tone of political feeling, and the war and its expenditure of millions have been avoided. Had such a tribunal of reference existed here, Sir Archibald Campbell and the “Officials” of New Brunswick would have yielded to safer counsels, and spared the Revenue of that Province the expenses of a delegation, and themselves the disgrace of a defeat.

The Despatches of Lord Glenelg to our Legislature in 1837 never would have been clouded and rendered absurd and inconsistent by the counter-despatches of 1838. Sir Colin Campbell and his *irresponsible* advisers would have saved Lord Glenelg from occupying innocently the awkward position in which he was placed, where retreat was certain, and yet no ground was left on which it could be honourably made. The Escheat party in Prince Edward Island, who, under the feigned pursuit of Constitutional rights, seek to invade the rights of private property, and check the peace and prosperity of that fertile and beautiful Island, in search of a shadow, would soon be put down; while the lancet would cut deep and extirpate that web of favoritism which a Government so imperfect, so impracticable, so favorable to the aggrandizement of a few, is fitted to support. The dynasty of chief Robinson and Mr. Hagerman in Upper Canada,—the question of the Clergy Reserves and the appointment of Mr. Harrison would soon be resigned to the care of skilful, because local, physicians. And Newfoundland, had advice been sought from this side of the Atlantic, never would have been inflicted with the evils of a too democratic Constitution on the one hand, and an irresponsible Council, with some of the elements of the old system, on the other. Some happier arrangement would have been made; and its former palmy state of kindly feeling and general confidence, well known to the friends of the Colony in London, who applied to the Government for their Constitution, would have been preserved.

Rely upon it, my Lord, that the “assembled wisdom” of the Province will deal better with these *local* questions than you can—that the information upon which they act, would be more correct—that no Governor, although misled; and no official faction, however bold or specious, could deceive them—that they will discuss those questions with ability and discretion, while they are approached by your Lordship and in the Imperial Parliament with doubts and reluctance—that they will not be fought by them as a* Whig, or a Tory question—that the Canada Bill could not be made there to decide the fate of a Ministry—that they will so frame their measures to meet better the political feelings and the local wants of the Provinces; and lastly, if they even err,—if they adopt policy which is unsound, or a measure which fails in practice—the Ministers of the Parent State will stand free of their present weight of responsibility—the blame will be divided among ourselves—and our loyalty and affection to the Crown, will run less danger of being alienated.

In weighing the utility of this measure, my brother Colonists have to look forward to the position the Lower Provinces will occupy when the union of the two Canadas is completed. Who, then, will sway the “Colonial Policy” which will be pursued in this hemisphere? Will not the

*“ Now how was it with this Canadian question among ourselves? The rebellion had been put down more easily than had been anticipated, and as the news became more encouraging, party feeling increased and many began to think what a good opportunity had been lost for turning the Government out,” * * *

“ We assembled in numbers—we put down with praise-worthy alacrity the revolt—these new acts, anything like the unanimity we displayed. We acquiesced in the appointment of a Governor (Lord Durham) by the Crown to enquire into the Governors of that Colony. We sanctioned the frame-work of a new Constitution—and then one half the House of Commons said they did not like the Government bill—pulled it to pieces—framed and fashioned it to their own liking—wished it all their own way and probably endeavoured to turn out our administration where compliance had been so remarkable. All this must be very unintelligible to the Canadian worthy gentlemen, although we English Squires understand it well enough.”—*Thoughts on Parliamentary Independence in a Letter addressed to the Electors of Guilford* by Charles Barry Wall, Esq. M. P. Ridgway, London, 1839.

United influences of the two Canadas have more weight than the separate and isolated influences of the Lower Provinces, weakening each other by preferring to the Home Government conflicting and opposite representations? Suppose some general modifications are proposed in the tariff of protection imposed by the Imperial Act—an alteration in the timber duties—a general Currency---are our wishes likely to weigh against those of this mighty Colonial power which is founding in the Interior? Will not the Imperial Parliament listen with higher respect, and yield with more alacrity, to the vote of a Canadian Assembly representing the constituency of a million, scattered over this Continent; than to the votes of the Assemblies of these Provinces, not one of which has a population exceeding 200,000? Is it not our duty to support a plan where the balance of our constitutional powers will be preserved---by which we will not be swamped and reduced to comparative insignificance? I put these questions to the reader, and leave him to resolve them for himself.

The good or evil tendencies of such a fabric, will unquestionably depend upon the skill with which it is planned---the perfect equality of its representation---and the checks and counter-checks which are introduced to prevent excesses---and to keep the three powers of the Constitution in consistent and harmonious operation. In my next letter, these points will be discussed. I have confined this letter to an exposition of the evils we have suffered from the want of UNION---the benefits such union will confer; and I conclude with reviewing the leading objection to the plan of confederation raised by its opponents;—that like the General Government of the United States, the original powers conferred upon it would gradually be curtailed—that its operations would lead to discontent and disunion†—and therefore, that it would soon crumble to pieces by its own weight and inherent defects, and ultimately destroy the British Sovereignty.

To this objection I reply in the first place, that the cases put are not analogous—the American Government is a confederation of States, or rather classes of States, whose interests and policy are directly opposed the one to the other. The Southern States are unfriendly to the Tariff and to the protection of local manufactures---the Northern are in favor of it; the one support a European policy, the other are its opponents; some uphold the Slavery question, others denounce it; the Western States prosecute a relentless war against the Indians, the other States clamour for the rights of humanity and of common justice. The produce of the waste lands have of late become an apple of discord; they have hitherto passed into the general revenue---each State now claims the proportion derived from its soil, as its own. It is the tendency of a growing and spreading Republic like this, formed of such discordant elements, to favour the spread and ascendancy of the democratic principle. § It is this which increases the power of the individual States, and limits the supremacy of the General Government. The Government, weak of itself, has no power or check-weight to bring into controul the popular excesses. Maine claims the “disputed territory,” and arms her militia to enforce her rights, while the General Government respects the right of Great Britain, by proposing a new survey and commission. Our confederation, on the contrary, would be framed upon British principles---with the checks and balances of the Constitution---the errors of our General Government, would be controlled by the Colonial Minister and the Imperial Parliament; our interests bind us to each other; union would give strength; and therefore the inherent principles of our confederation, being different in their origin and texture from those of the United States; and balanced and checked

in their practical operation, by higher constitutional powers; and in the last resort by the greatest and noblest sanctuary of human freedom---the British House of Commons---would raise a more enduring and perfect fabric, and teach mankind, that, even in this Western World, the monarchical principle is superior to the Republican; and that we can go on rejoicingly under its ancient and venerable sanctions; guided to peace and prosperity by the very errors of that great example of Democracy which is at our right hand.

LETTER III.

On the Form, Powers, and Revenue of the Federal Government for the Colonies of British North America.

CONTENTS.—Centralization.—Two projects for Confederation submitted: 1, A Federal—2, A Legislative Union.—Physical objections to the last.—Federal Union lead to Legislative.—Principles of Union recognized by the Imperial Government.—Bill to unite the Canadas.—Proposal to unite Nova Scotia, New Brunswick, and P. E. Island.—Constitution of the General Government.—Governor, Council, and Assembly—How appointed and elected.—Power of the Government.—Act to controul the local Militia.—Powers of the local Legislatures limited.—General Judiciary and Court of Appeal.—Law of Appeal as it now exists.—Revenue.—Crown Revenues in the Colonies.—Expense of such union.—How to be raised.—Expenditures for great local improvements.—Nova Scotia able to afford it.—Provinces aided by the Parent State.—No imperative necessity for a Union now.—Question to be fully and freely discussed.

To the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, &c. &c.

MY LORD,

In this letter I have to suggest the principles, the form, the functions, and the revenue of the Federal scheme suggested. The general principle may be approved of; while there may be wide differences of opinion in the details. Still the safe constitutional working of the machine will depend upon the practical adaptation and harmonious balancing of its parts. To follow out these may endanger, for a time, the reception of the general scheme; but, my Lord, the ground must be broken, the question discussed in all its aspects and ramifications; and for the sake of that “good old cause,” of which I am a resolute, but not intemperate, adherent, I run the hazard and responsibility of suggesting a plan, that abler minds may be brought to bear upon it, and, amid the collision of enquiry and reasoning which will follow, that we may at last arrive at the truth,—reject such parts as are objectional, and embrace such only as are judicious,—and thus frame a system best calculated to secure to us the invaluable blessings of the Constitution; extirpate the political evils which irritate and repress us—destroy the dangerous and irresponsible influence of the “official factions”—scatter their little nests of corruption, narrow-mindedness, and favouritism,—and perpetuate the British connexion, by introducing into our future relations with the Parent State harmony and mutual good feeling, founded upon a sense of reciprocal benefits. The world judges, and judges wisely, by acts not by professions; and I trust I will bring this argument to a close by leaving the impression, that I indulge in no private animosities—that I attack a system, not men; and have the anxious desire of aiding in the erection of a great Colonial State, protected by the British flag; enjoying the sanctions of the Constitution; and promoting, by its vigorous and healthy action, the peace and the prosperity of this broad Continent.

Union and combination have been the sources of all national power and pre-eminence. It was the leading principle of the policy of the Roman State. Adopting an idea derived from the theory of Astronomy then prevalent, it was supposed that the Series and Congeries of circles in which the stars revolved, moved round one “great centre point” of the universe. Rome was founded as the heart and essence of the Empire. To it, all the Provinces were subject. Spain acted upon the same principle in planting her Colonies in the Indies and South America: it was this which gave wealth and magnificence to her Empire at the time of our Henry VIII. and Elizabeth. Napoleon's supremacy was founded upon the mighty powers of concentration, which his mind possessed. England has reached her greatness in settling

† See Bliss's Pamphlet on the Re-Constitution of His Majesty's Government in Canada, p. 97.

§ In a note to the 3rd Edition of *Ken's Commentaries*, that distinguished lawyer and politician says, (after reviewing the different qualifications required in each State to confer the elective franchise), “All the States and Constitution formed since 1800, have omitted to require any qualification in an elector, except what may be implied in the requisition of having paid a State or Country tax; even that is not required in the Constitutions more recently formed or amended. In some of the States, a property qualification is still required in the elected, or members of the two Houses of the Legislature, but the property is of no moment. Such a rapid course of destruction of the finer Constitutional checks, (of which further examples are hereafter noticed,) is matter for grave reflection; and to counteract the dangerous tendencies of such continued forces as Universal Suffrage, frequent elections, all offices for short periods, all officers elective and an unshackled Press; and to prevent them from racking and destroying our political machines, the people must have a larger share than usual of that wisdom which is *first pure, then gentle and easy to be appeared*—1 Vol. 229—395. See Hall's chapter in his *Travels, on the Constitution of the United States.*

the balance of power, and in ruling the destinies of freedom, of the arts and literature in the Old World, by founding an Empire upon which the sun never sets; and planting new worlds, and raising up new nations, whom, by her Colonial policy, she keeps as consumer of her manufactures. The difference between men arises from their different powers of combination. One confines his exertions to a single and narrow sphere—another combines and centralizes to himself, adding to his own wealth, and building up his own influence,—the resources of ten. Extend the same principles to a nation,—to these Provinces; bind them together, in social and political structure, ruled by a generous policy; by a united intelligence; and by a Legislature, which would merge the *local* to promote the *general* interest,—and I am satisfied that Nova Scotia, from the peculiar position she occupies, will rise, as if from a sleep, and rapidly attain a degree of prosperity and affluence, of which no estimate can now be formed.

Upon the question of Confederation, two projects have been submitted to the Colonial public.

FIRST: A Federal Union, leaving nearly unimpaired the present action and powers of the different Legislatures; or,

SECOND: A Legislative Union, by which their different Legislatures would be amalgamated, and the Legislative functions, both for general and local purposes, transferred to this General Government. Under the latter system, there would be one Governor, one Executive Council, one Legislative Council, and a House of Assembly, composed of Representatives from the six different Colonies.

The objection raised to the Federal Union is, that it would closely resemble the Congress of the United States; and that, in practice, the exercise of its functions, would lead to disunion and discontent among its members,—produce a weak Executive or General Power,—denude its members of certain privileges, which would render them turbulent, but powerless; and create a broad scene of political disorder and confusion, in place of combined action, strength, prosperity and peace. If the analogy stated is not correct, the conclusions drawn from it cannot be sound. The points of dissimilarity have already been mentioned in the preceding letter, and I will yet illustrate them further.

The *SECOND* proposition of a *Legislative Union* has been recommended, as founded upon the example of the United Kingdom, in which the business of Legislation is conducted by a Parliament, drawn from the constituency and aristocracy of the three Kingdoms. This proposition would unquestionably be the most consistent with the practice and genius of our constitution; but it is thought there are at present insuperable, because physical, difficulties to its being carried into practice. If the Provinces were more advanced, if the internal communications were more rapid and facile, if the “centre point” of such a Government could be conveniently approached in winter, when the business of local legislation can best be done in this hemisphere; and if a large part of the present business of legislation, such as road making, were confined to “District Councils,” as is now suggested in the bill for the re-union of the Canadas,—if political knowledge were more refined and scattered,—if the benefits of union were more thoroughly understood, and local interests more readily yielded for the advancement of the whole,—such a union might be framed without danger, and operate with advantage. But the social elements and political sympathies do not yet exist for a union of this kind; and a federal union would be expedient now to lead the people to that purer and more effective semblance of the British constitution, to which I trust they are destined to come. “I thought,” says Lord Durham, “it would be the tendency of a federation, sanctioned and consolidated by a Monarchical Government, gradually to become a complete Legislative Union.” In this opinion I humbly coincide.

To promote this scheme, the Imperial Government have already taken some decided steps. The bill for “re-uniting the Provinces of Upper and Lower Canada,” introduced last Session by your Lordship into the House of Commons, will, when passed, and carried into operation, soon prepare the people for the ulterior and more comprehensive union. By the introduction of *Elective District Councils, as con-

templated by this Act, it cannot be denied that your Lordship and Mr. Labouchere have yielded to the views above expressed, and given to this Legislative Union a partial federative character. The duties of these Councils have been hitherto performed by the Houses of Assembly; still the Bill is an important advance. If the same principles and a similar act were extended to the three Lower Provinces of New Brunswick, Nova Scotia, and Prince Edward Island, by placing them under one Legislature, and transferring the seat of Government to some central point, such as Windsor in our Province, or Westmoreland in New Brunswick, a second effective preparatory step would be taken to accomplish this general plan; but the latter, I fear, from the large, comparative territorial revenue, enjoyed by New Brunswick, would be steadily resisted by that Province; although it is possible the people of it might be inclined to join a Federal Union, at the present time, in the hope that the new Colonial powers thus created would more effectually protect them in the settlement of the Boundary question, and secure forever the exclusive sovereignty and navigation of the St. John.

If it be true, however, that a general Legislative Union cannot yet be effected, and if New Brunswick would even oppose a Legislative union of the lower Provinces, the question occurs, is it better to suffer the evils which are now felt, from the want of union and combined action, or adopt a plan which is feasible now, and which will ultimately lead to a better. If the legislative union of the two Canadas were even effected, and were followed by a similar union of these three lower Provinces, a common tie would still be wanting. They could not act *together*, even then, without a federative union; and unless they were to adopt this the benefit of united Councils would still be wanting, until they had reached that state of political intelligence, and political sympathies, in which a legislative union could be framed. The question is, how we can best be relieved from the evils of the present system, and promote most rapidly that event which our best statesmen now suggest? A federal union is recommended solely because it is only by the erection of an united power of this kind, that we can effect those plans of general and internal improvement, which will strike down local prejudices—remove sectional feelings—and by the introduction of a general system of revenue, steam communication, public roads, currency, and a purer and more comprehensive administration of the laws, bind us more speedily together as one people; and render us more attached to the British Constitution, by redressing or eradicating those evils which the connexion, by the influence of the “official factions” would entail.

The constitution, the powers, the authority, and Revenues of the Government, are next to be enquired into. The three first paragraphs of the plan promulgated by Lord Durham, seem to be free from all objection:—

“1stly. To give such a special Government for each Colony, or Province, as will enable the inhabitants exclusively, to control their own peculiar or local affairs.

2ndly. To create such a general Government, for all the Provinces in British North America, present or future, as will control and regulate *all such matters as may be common to all, or to some two or more of them.*

3rdly. To maintain the supremacy of the mother country by means of a Governor, appointed by the Crown for each separate Colony, and also one appointed, by the same authority, for the General Government—such Governors to form integral parts of the separate Legislatures, local or general, over which they preside, and to have a “veto” upon all Legislative acts.”

To that part of his Lordship’s plan which related to the “Administrative and Legislative” powers of this Provincial Government, the Colonists had decided objections—because first, it violated the principles of the Constitution, by removing the Legislative Councils both from the General and Local Governments, and creating in their stead an Ex-

in elections for the House of Assembly. The persons elected are to serve or be fined. One third of the whole number of the Council are to vacate their seats every year;—elections are to take place yearly; and the Council are to hold four quarterly meetings in the year. By the 44th Section the duties of the Council are thus defined:—

And be it enacted, That it shall be lawful for every District Council to make Ordinances for providing a suitable Building for the meetings of the said Council, and for maintaining and regulating an effective system of Police within the said District, and for the Paving and Lighting of any Town within the said District, and for the making and maintaining or improving of any new or existing Road, Street, Railway, Canal or other convenient communications and means of transit, whether natural or artificial, for passengers, cattle, goods or merchandize, by land or water, within the limits of the said District,

*As regards these District Councils, it is provided by the 31st Section of the Act—“That in every District of the said United Province there shall be a Representative Council, to be called the ‘District Council.’”—And by the 32d Section—“That every such Council shall consist of *Twenty-seven* members and no more, unless otherwise directed by the Legislature of the United Province, under the powers vested in them by this Act.”—The elections are to be held the same as

utive Council—the members of which were to hold office during the pleasure of the Crown, who were to be the advisers of the Governor, and yet were to possess no constitutional power, from having no vote—the Governor being free to pass, or reject, any act of the Assembly, although the Executive Council disapproved of, or recommended it. The Colonists were of opinion that, to remove the powers and the checks of a Legislative Council from such a Government, would be to bring the *Popular* and the *Executive* branch into close, and, if opposed to each other, into direct collision. Lord Durham, upon full consultation with the Delegates from the different Colonies, and especially those from this Province, abandoned this feature of the plan in the Local Governments; His Lordship decided to have Legislative Councils in them, and in the formation of this new Government, the general opinion is, that both an Executive and Legislative Council should be created.

That both, however, while they exercise their constitutional checks, should be of a more popular and *responsible character* than the Councils have hitherto been, would be indispensable to practical and safe operation. The exclusion of Judges, paid officers of the Government, and a selection from the popular leaders in the Assembly, and independent Gentlemen resident in the Provinces, would relieve these bodies from the unpopularity which now deservedly attaches to them. To preserve their independence, and to protect their powers from being engrossed by any "family compact" or "official faction," the principle introduced in the Canada Bill "that every Legislative Councillor shall continue in office for the term of eight years 'only,'" preserving to the Crown the right of again summoning him to office, is sound and unexceptionable. The purpose of our Legislative Council, in sending two members of their body to London, to have their appointments secured for life, affords the clearest proof of their own conviction, that they want the confidence of the Country, and cannot retain their honours if consigned to its sober and independent judgment. The objections to some of the body (for there are several entitled to every respect and confidence) are political, and not personal,—the House of Assembly wish to see a part, not all of them, removed,—it is a reconstruction not of the whole, but a balance in favour of a new majority, attached to liberal and consistent principles.

Both of these Councils should be in the nomination of the Crown,—for the principles suggested by some, of having the Legislative Council composed of three members, selected by ballot from each of the Legislative Councils in the different Colonies, is disapproved of, as invading the Royal Prerogative, and following the example of the United States in the selection of Senators to Congress.

An Executive Council of ten---three at least drawn from the Assembly, and three from the Legislative Council, and a Legislative body of eighteen would be ample. Of these eighteen, three should be selected from, and resident in, each of the six different Colonies. To be members of the Lo-

and also all Bridges, Viaducts, Tunnels, Cuttings, Embankments and other works connected therewith, or for stopping up, altering or diverting of any such Road, Street, Railway, Canal or other such communication as aforesaid, and the works connected therewith, and also for any other purpose, matter or thing which shall be especially subjected to the direction and control of the said District Council by an act of the Legislature of the said United Province.

45. And be it enacted, That it shall be lawful for the said District Council to make Ordinances, directing the levying and assessing and application of Monies, for effecting all or any of the purposes for which they are empowered to make Ordinances as aforesaid, either by imposing tolls and rates, to be paid in respect of any public work, and to be collected and applied as shall be directed by any such Ordinance or by means of a rate of assessment to be assessed and levied upon real or personal property within the said District, or upon the owners or occupiers thereof in respect of such property, and to enforce the collection and payment of all such rates and tolls, or such rates and Ordinances for the levying of Monies by such rate or assessment as aforesaid, and applying the same in or towards the payment of all necessary expenses incurred or estimated as likely to be incurred for the current year in respect of the local Government of the said District, either on account of the lawful expenses of Returning Officers at Elections of Members for the District Council, or the salaries of Officers, or otherwise howsoever.

The British Government have thus determined to give to every County in Canada the benefits of an open Corporation, and to put their whole fiscal affairs under the control of an elective, and therefore *RESPONSIBLE COUNCIL OR MAGISTRACY*; while the intelligence of the town of Halifax is restrained by whom and what? The meridian of better times is coming; and I and others live in the patient hope of seeing the same spirit breathed into the management of the town, which the majority of the House now apply to the legislation of the Province. The inhabitants of this fine Capital will not submit much longer to the present system,—there must be a Corporation and responsibility introduced into our local affairs.

cal Council, need be no ground of exclusion from the General Council.

To arrange a representation of a popular Assembly of the kind, according to population, would be obviously inexpedient, and opposed to the Confederate principles of the United States, and the Helvetic Republic. At the Union of England with Scotland and Ireland, it was not the principle upon which their quotas of Representation in the House of Commons, were settled. *The Government suggested, is to represent Provinces and general interests—not numbers alone.* If the latter principle were adopted, the two Canadas would return a majority, which would swamp the other Provinces, and render them powerless. If fifty members be the maximum, Upper and Lower Canada would send thirty-five, Nova Scotia six, New Brunswick five, Prince Edward Island two, and Newfoundland two. To such a union, the Lower Provinces would never consent. It would defeat the very end of its creation; and hence it was wisely provided by Lord Durham—that the representation of each of the four larger Colonies should be equal—each of them sending ten, and the two smaller sending five members each, and that these proportions should be fixed and unchangeable principles in the Confederate Constitution.

To consign the election of these Representatives, in this General Government, to the Local Assemblies, would not fairly represent the feelings and opinions of the people—because it would place the entire power of the General Government, into the hands of the majorities of the Assembly. Now, although the politics of these majorities, both in this Province and in New Brunswick, are acceptable *now* to the great body of the people, and in conformity with that enlightened public opinion which ought to be ascendant in our Constitution, such is not the case in Prince Edward Island and Newfoundland. It was not the case for years with the majority in Lower Canada, previous to the Rebellion. These Representatives, therefore, like the Members of the Local Assembly, ought to be selected directly by the constituency of the Provinces. A higher qualification, perhaps, should be demanded from the Candidate. Their election might be conducted at the same poll, as the election of the Local Candidates. They should be returned either from the vote of all the constituency, or be returned among Electoral districts set apart for the purpose—and the circumstance of being elected as a member of the Local Assembly, ought to be no disqualification to his election to the General Assembly.

Having thus explained the principles of its constitution, I now proceed to describe its powers and its duties. The following paragraphs are extracted from the plan published by Lord Durham:—

"The General Government is not to possess any power not expressly conferred on it, and its object is to settle affairs in which one or more of the provinces of the Union have a common interest *AND THOSE ONLY*. But for this purpose, to act by officers of its own, not by those of the Provinces.

"All matters belonging to peace and war, belong exclusively to the Crown, and cannot be interfered with by the General or Provincial Governments. But the defence of the combined Provinces (so far as the Militia or any Provincial Troops or Forces may be concerned, and as may not interfere with the Prerogative of the Crown and subject entirely thereto,) will rest with the General Government; and for that purpose, the General Government, with the sanction and previous authority of her Majesty, to the Governor General, to have the power of levying and paying troops, for defence against foreign aggression or internal commotion, or common enemies.

"Besides this, but subject in all respects to the Prerogative of the Crown, the following subjects to be brought under the control of the General Government.

"The coin and circulating medium—Banking operations—the laws of general, external, and internal Commerce, so far as they may not be regulated by the Imperial Parliament all duties on articles imported from Foreign States, or to the limits of the combined Provinces, whether by Railroads, or common or other roads, or by water, natural or artificial, and to make and alter such inter-communications, roads, canals and improvements, in any navigable or other waters, as the General Government may think fit, and may by any act, declare to be general, or to belong to the inter-communications between the Provinces."

These details may be concurred in with this single exception, that the General Government of itself should have no

authority to direct the management or disposition of the *local* Militia of each Province. The power which controul them should remain where it now resides,—subject to the *Prerogative* of the Crown. If an emergency should ever arise, in which one Province is attacked by a hostile power, the neighbouring Colonies of themselves, will soon tender their assistance, as Nova Scotia did last winter to New Brunswick. If required, both a volunteer force and the militia, would have been then raised, and marched into the disputed Territory; but the people would not now entrust the controul of their militia to any other than their local Government; and the Prerogative, aided by these feelings, would sufficiently protect us against every danger, without entrusting powers to the General Government, which might lead to discontent and collision.

In addition to these powers thus defined, the Houses of Assembly and Legislative Councils in each Province, should have the right of referring to the General Government, any questions of general interest to the Colony upon which they differ, or may desire advice, before it is referred to the Colonial Minister and the Crown. If, however, both Houses should pass over the General Government, and go at once to Downing Street, the Minister or Parliament may pause, and send it back to the General Government to be discussed there. The dispute between our House of Assembly and the old Council, on the Brandy question, which involved a Constitutional privilege—the dispute in New Brunswick between the House and his Excellency Sir Archibald Campbell, relative to the Civil List—the Escheat question in Prince Edward Island—the present unhappy differences in Newfoundland, would be advantageously discussed by a local tribunal of this improved character, before any legislative measure passed, and the assent of the Minister or the Crown given to a final adjustment. The measure would thus pass through a refining process; the public intelligence of the Colonies would be brought to bear upon it; both parties, thus subjected to local and friendly influences, would be easier reconciled; the Minister would be more safely guided, and his responsibility rendered less weighty and less perilous. A reference to the Colonial Minister might thus be avoided, and, if made, a collision with the Parent State rendered more improbable.

“*The General Judiciary,*” says Lord Durham, “to be composed of a Supreme Court, of say four Judges, and such number of other Courts and Judges as may be found requisite throughout the combined Provinces—such Inferior Courts being subject and subordinate to the Supreme Courts.

“The Supreme Courts would try disputes between the provinces; all invasion of Provincial rights by the General Government, or those of the General Governments by the Provinces; appeals from the Provinces, and the several Inferior Courts of the General Government, piracy, treason, all offences against the laws, or matters made subject to the control of the General Government, and the Judges would assist for matters of law and impeachments before the General Assembly.”

Upon this part of the scheme, it may be remarked, that this Court might be composed of four Judges and be stationary—that no Inferior Courts should be appointed—and that the administration of the laws in each Province should be left to the present Judicatures, as they now exist. In all questions of constitutional right between the general Government and the Provinces, or between one Province and another—upon questions of boundaries, revenue, and contracts or agreements for plans of general improvements, it should enjoy exclusive jurisdiction; but treason, piracy, and offences against the laws of the general Government might be more effectively and satisfactorily tried, before the local tribunals, in the jurisdiction in which they are committed, with the right of appeal to the general Supreme Court in certain cases.

The main advantage of this Court would be in matters of Appeal. The present system of appeals is tantamount to their being denied altogether. If a decree in Chancery made by the Master of the Rolls be resisted, it passes to His Excellency, the Chancellor attended by the other Judges; or if a Judgment of the Supreme Court be appealed from, the party has first to pass through the Court of Error, composed of the Governor and Council, who are generally incompetent to deal with a legal question. The limitations to these appeals are known to every professional man.

After passing through this ordeal, the appeal is then carried to the “cockpit” or Privy Council; and upon the de-

lays and enormous expense of that court, I need not enlarge.* Under the present system, appeals from these Colonies are virtually abandoned—and hence the Bench, the profession

* In Lord Brougham’s Speech, upon Law Reform, delivered in the House of Commons, 1828, the following description is given of our Colonial Court of Appeal:

“The Privy Council, which ought to be held more regularly than any other Court, sits far less constantly than any, having neither a regular Bench nor a regular Bar. It only meets on certain extraordinary days—the 30th January, the feast of the Purification, the same day in May, Midsummer day, and a few others. I find that, on an average of twelve years, ending 1826, it sat in each year nine days, to dispose of all the appeals from all the British subjects in India; from our own civil Courts, to the jurisdiction of which all our subjects are locally amenable, throughout the wide extent of the several Presidencies of Calcutta, Bombay and Madras; to dispose of all the causes which came up to the three several native Courts of last resort, the Sudder Aawlets from the Inferior Courts of Zilla and Circuit, comprising all contested suits between the Hindoos, the half-caste people, and Mahometan inhabitants. But in the same nine days are to be disposed of all the Appeals from Ceylon, the Mauritius, the Cape and New Holland—from our Colonies in the West Indies and in North America—from our settlement in the Mediterranean, and from the Island in the Channel; nine days sitting are deemed sufficient for the whole. But nine days do not suffice, nor anything like it, for this purpose, and the summary I have in my hand demonstrates it, both by what it contains and by what it does not. It appears, that, in all these twelve years taken together, the appeals have amounted to but few in number. I marvel that they are so few; and yet, I marvel not, for in point of fact, you have no adequate tribunal to dispose of them—and the want of such a tribunal is an absolute denial of justice to the subjects of the crown in those Colonies. The total number is only 467; but including about 50 which came from India, and appear not to be regularly entered, though they are still undisposed of, there are 517; of these, 343 only have been disposed of, but only 129 have been heard; for the others were either compromised from hopelessness, owing to the delay which had intervened between the appeal or the sentence—or dismissed for want of prosecution. Consequently, the Privy Council must have heard ten or eleven appeals only in the year, or little more than one in the course of a day’s sitting. Again, of the 129, which were heard and disposed of, no less than 56 were decided against the original sentences, which were altered, and generally speaking, wholly avowed. Now, 56 out of 129 is a very large proportion, little less than one half, and clearly shows that the limited number of appeals must have arisen, not from the want of cases where revision was required, but from the apprehension of finding no adequate Court of review, or no convenient dispatch of business. And that the sentences on the Colonies should sometimes be found ill-digested, or hasty, or ignorant, can be no matter of astonishment, when we find a bold Lieutenant General Lord Chancellor in one Court, and an enterprising Captain President in another, and a worthy Major officiating as Judge Advocate in a third. In many of these cases, a gallant and unlearned Lord Chancellor has decided in the Courts below, points of the greatest legal nicety; and the Judges of Appeals, who are to set him right here, are chosen without much more regard to legal aptitude; for you are not to suppose that the business of these nine days upon which they sit is all transacted before lawyers; one lawyer there may be, but the rest are laymen. Certainly a Right Hon. Gentleman whom I see opposite is there sometimes by chance, and his presence is sure to be attended with great advantage to us. Occasionally we see him or my learned friend his predecessor (Mr. Abercrombie), but the good fortune is rare; the Master of the Rolls alone is always to be seen there, of the lawyers. For the rest, one meets sometimes in company with him, an elderly and most respectable gentleman, who has formerly been an Ambassador, and was a Governor, with much credit to himself in difficult times; and, now and then, a junior Lord of the Admiralty, who has been neither Ambassador nor lawyer, but would be exceedingly fit for both functions, only that he has happened to be educated for neither. And such, Sir, is the constitution of that awful Privy Council which sits at Westminster, making up for its distance from the Suitors, by the regularity of its sittings, and for its ignorance of local laws of usages, by the extent and variety of its general law learning; this

and the public, would hail as a public benefit, the introduction of a Court of Appeal of this kind, composed of Judges, who, like those sitting in the Appeal Court in the House of Lords would hold jurisdiction, upon questions of Appeal, from all the inferior Colonial tribunals. It would add to the benefits anticipated, if a Reporter were provided, and the reports of decisions periodically and regularly published. Such a system would give dignity and uniformity to Colonial law, and gradually mould it into a general and national system.

Such are the general outlines or principles of this plan; it remains still to touch upon the question of Revenue, and the sources from which the expenses of this General Government are to be derived.

Although it has been contemplated to vest in the General Legislature, the power of imposing a general system of impost, and the regulation of all duties upon importations by sea from Foreign parts; light duties; tolls upon the great common roads; internal postage,---it does not follow that the disposal of these duties should appertain only to it. The functions of the local Legislatures upon all local matters, would remain nearly unimpaired. These duties would

be the Court, which determines, without appeal, and in a manner the most summary that can be conceived in this country, all those important matters that come before it. For instance, I once saw property worth £30,000 sterling, per annum, disposed of in a few minutes after the arguments at the bar ended, by the learned Members of the Privy Council, who reversed a sentence pronounced by all the Judges in the Colony, upon no less than nineteen days most anxious discussion. Such a Court, whose decisions are without appeal, irreversible, unless by Act of Parliament---is the Supreme tribunal which dispenses the law to eighty millions of people, (for such is the extent of our Colonial Empire,) and disposes of all their property.---*Speeches, vol. 2, page 362.*

By the Imperial Act of 3 & 4 Wm. 4. c. 41, the practise and constitution of this Court has been remodelled and improved; but it is still admitted to be a tribunal which is of little practical advantage to the Colonies, and entails such expense and delay as to close the door to a speedy, effective, and economical appeal. The Bench and the Bar, in these Colonies, are equally anxious to see a new and better system introduced.

Of the Courts of Appeal in Canada, I extract the following paragraph from Lord Durham's Report:

"The Executive Council sits as a court of appeal, four times in the year, and for the space of ten days during each session; on these occasions the two Chief Justices of Quebec and Montreal were *ex officio*, presidents, and each in turn, presided when appeals from the other's district were heard. The laymen who were present to make up the necessary quorum of five, as a matter of course, left the whole matter to the presiding Chief Justices, except in some instances, in which party feelings or pecuniary interests are asserted to have induced the unprofessional members to attend in unusual numbers, to disregard the authority of the Chief Justice, and to pervert the law. In the general run of cases, therefore, the decision was left to the President alone, and each Chief Justice became, in consequence, the real Judge of appeal from the whole court of the other districts. It is a matter of perfect and undisputed notoriety, that this system has produced the results which ought to have been foreseen as inevitable; and that, for some time before I arrived in the Province, the two Chief Justices had constantly differed in opinion upon some most important points, and had been in the habit of generally reversing each other's judgments. Not only, therefore, was the law uncertain and different in the two districts, but, owing to the ultimate power of the Court of Appeal, that which was the real law of each district, was that which was held not to be law by the Judges of that district."

"The further appeal to the Privy Council, allowed in cases where the value was above £500, is, from the great delay and great expense attendant on it, hardly ever resorted to. The establishment of a good appellate jurisdiction for the whole of the North American Colonies is therefore greatly desired by every Province; and a competent tribunal for this purpose would spare the cost and delay of a resort to the Privy Council, and answer all the purposes proposed to be attained by the present double system of appeal."

still pass into the different Provincial Treasuries; but if any one Province should claim a part of the Revenue paid into the Treasury of the other—as Nova Scotia would now a part of the Revenue paid into the Treasury of New Brunswick,—or as Upper Canada has long claimed and received a share of the duties collected in the Lower Province,—the General Government would have the power of deciding upon their conflicting claims, or as has been done in Upper and Lower Canada for years past, and is now specially provided for in the 51st section of the Bill laid before Parliament for the re-union of the two Provinces, by referring it to Referees. These funds would still remain subject to the control of the local Assemblies,—except at such times as the General Government may interfere with their local appropriation, for purposes of general improvement or common protection. Suppose, for example, the general Government should proceed to discuss the expediency, and to determine upon the line or plan of a great Post Road from Halifax to Quebec, or the encouragement to be granted to a general Steam communication, making Halifax the centre, with lines to Quebec, Newfoundland, and Amherst, at the head of the Bay of Fundy—or a Light House at Cape Ray, or a Colonial Coinage—these being all questions having a general interest and bearing,---the plan would be arranged—the estimates submitted—the cost ascertained. The proportions and sums annually to be paid by each Colony, would next be appointed. In the course of discussion the members, from each different colony, would submit the amount of their revenue, and suggest the sum they could afford. The members of each contributing Province would have a common interest to keep their proportions within the extent of their means. The vote passed there would be binding and imperative on the Colonies; and if, after receiving the sanction of the Governor and the Crown, any member of the confederation refused to obey, the Supreme powers of the constitution—the *ultima lex*, would then be called in to enforce obedience. It is to be remarked, that in this way *the local revenues would only be interfered with for those great public improvements, the introduction and progress of which, would reconcile the people to greater sacrifices and outlays.* But, say the opponents of this plan, will not these questions become the elements of discord? No, it may be replied, this is not an inevitable, far less a probable consequence. If the possible chance of discord is to prevent change and improvement, where is the limit to be set? The House of Assembly in Lower Canada, has come to open collision with the Parent State,—the Legislature in Jamaica have so conducted themselves as to require the interference of Parliament—would that be any sound reason for depriving all the other Colonies of the Crown of their Representative branches? Without some such plan, be it remembered, the common plans of general improvement, which are essential to the Provincial prosperity, and are called for in this "great era," upon which we stand, cannot be effected. Under the rule of demagogues the system might lead to danger—but this is a field in which mere demagogues—the artful and noisy panders to the mischievous passions of the people,—are not likely to enter; or if they do, to find audience. The constituency of each province, from a regard to its own reputation and interests, would select for such an assembly, its ablest best, and most talented men, with minds richly gifted, persuasive powers, and possessing characters which would carry weight and influence beyond their own domicile. Each Province would be animated with the ambition of seeing their Representatives take the lead—and in an Assembly thus selected, and thus constituted, dealing with those great questions which inspire philosophy in politics, and lead the mind to dwell upon those sublime and elevating contemplations which improve and purify—the future destiny of States and of men; there would, it is believed, be less chance of collision, and less likelihood of a severance from the Parent State, than if the present weak and injurious system of Colonial Government be continued. * A na-

* The formation of this junction of the two Provinces, and the prospective accession of the other four, would produce a salutary influence on the intellect, and affection of the whole Northern Colonists. Something would be offered to satisfy their ambition of excellence, and desire of distinction: something to raise the standard of comparison, and the qualifications for eminence: something to repress its ill-founded pretensions, to expose spurious desert, enlighten prejudice, awaken talent, create a public opinion, and elevate and instruct, and sanction its judgments. The spirit, the knowledge, and the manners of a people are always influenced by the importance of the society to

ional feeling and character would soon be formed. The experience of the United States is not a seducing, but a warning example. The love of the British Rule is stronger in these Colonies now than ever before felt; and the agitation of those great questions of Local Responsibility, General Union—of Reform and Economy—so far from being, as the “official factions” say, a proof that the Colonies vergon Republicanism, is, on the contrary, the clearest evidence of their advance in political information, and their growing attachment to constitutional forms and principles.

The expenses of that Government, and the sources from which they are to be derived, is, I admit, a question of considerable difficulty. If the Legislative Union now to be effected between the two Canadas, were extended to the three Lower Provinces of New Brunswick, Nova Scotia, and Prince Edward Island—so that the expense of five separate Governments were reduced and limited to two,—if a more rigid economy were introduced into public affairs,—the saving which would be effected in their expenditures might be beneficially appropriated to the great Federal scheme, and perhaps supply a sufficient fund to support it.

I refrain from entering here into any statement of details; but it is calculated by several, who are favourable to the project, that the annual expense would not exceed £50,000. This estimate would form an ample allowance, including the expenses of the Legislature, and a scale of items could be stated, if required for the conduct of the general argument.

Now, the primary and legitimate source from which this expense should be derived, is, of course, the Crown and territorial Revenues. They appertain to the Crown solely for this purpose—for it is a constitutional maxim which is now so universally received, as to admit of no question; “that those Revenues of the Crown are vested in Her Majesty for the benefit of her subjects—that they appertain to her in her Sovereign, not in her individual capacity—and that the Assemblies in the Colonies, as is the practice in the Imperial Parliaments, have a right to enquire into and limit their appropriation;” to see that they are expended for legitimate and constitutional purposes. If these Revenues still remained under the control of Her Majesty and the Cabinet—and if they afforded a sufficient fund or surplus to meet this new expenditure, the difficulty would be at an end, as the appropriation would then depend upon the exercise of the Prerogative alone.

It becomes important to enquire what the amount of these revenues are—how they are expended—and if any, and what amount remains under the control of the Crown. When in London in 1833 I spent some time in the library of the Colonial Office enquiring into this subject, with the view of incorporating the result into a work upon Colonial policy, which I was then preparing for the press. The conclusion to which my mind was then conducted, was that the Crown Revenues derived from the Colonies of British North America, were more than ample to pay the expenses of the different Colonial Governments. I refer in the note* beneath to the chapter, in which the evidence so collected was embodied. Since then these Crown Revenues have largely increased. In 1831 when Lord Aylmer submitted a proposal to the House of Assembly of Lower Canada with a view to the final adjustment of the question of finance “it was proposed that His Majesty should then relinquish to the House the taxes paid in the Province by virtue of different acts of the Imperial Parliament, and which were there appropriated by the Treasury under His Majesty’s commands in lieu of a permanent Civil List. The average of these taxes for the for the year 1830 and 1831 were £32,125 and the Civil List sought in lieu was £19,500.† These taxes were independent of the following branches of the Casual and Territorial Revenues of the Crown:—1, Rent of Jesuits’ Estates; 2, Rent of the King’s Posts; 3, Forges of St. Marie; 4, Rent of Kings wharf; 5, Droit de Jesue; 6, Lods and ventes; 7, Land fund; and 8, Timber fund. The account of these Lord Aylmer refused to disclose or cede to the Assembly.

which they immediately belong. The supremacy and protection of Great Britain has no doubt in this respect a most beneficial effect upon the colonial mind, gratifying in the highest degree that craving in the human heart for national pride, historical notice, and universal relations; that noble assertion, yet generous expansion, of one’s self towards all countries of the present, and all ages of the past.—*Bliss’s Pamphlet*, p. 54.

* See Young’s Letters to Lord Stanley on the Rights of Fishery. Letter vi. p. 77.

† See return of Canada Crown Revenues, laid before the House of Commons, 15 July, 1834, p. 1 and 2.

In the year 1834 the funds collected in Lower Canada at the disposal of the Crown was £49,000 sterling, the amount expended, called the Civil expenditure and including the Civil List was £46,030 11s. 6d. leaving a surplus of £2,963 8s. 6d. sterling, and this was exclusive of the Land and Timber funds.‡ The Crown Revenues of Lower Canada still remain under the control of the Crown.

I have been unable to obtain an exact statement of the Crown Revenues of Upper Canada for the two past years; no Civil List has yet been arranged with the Legislature; but it is known that they afford a considerable excess, although I am unable to state the exact amount.§

In 1836 when the Civil List was arranged by Messrs. Crane and Wilmot for New Brunswick by a grant of £14,500 currency for the period of ten years, the funds surrendered were £171,224. “Besides the balance” says Mr. Street, “due on the purchase of the Land Company, of the amount of which I have no correct information; but the above amount alone is sufficient in itself to pay a grant of £18,274, besides the annual Revenues arising in the meantime.”||

The Crown Revenues of Nova Scotia in 1838 yielded £10,009 15s. 11s. currency.¶ The Civil List proposed by Lord Glenelg was £8,000 stg. These revenues will thus afford no surplus **

In Prince Edward Island and Newfoundland there are no Crown Revenues, equal, at the present time, to the support of their Civil Governments.‘

In reviewing this statement I remark in the first place, that one of the complaints raised in L. Canada, not by the French, but the English party, is that the taxes and revenues under the control of the Crown, have not been husbanded with a judicious economy. Under more careful management the surplus would be largely increased. But on the Union of the two Canadas being effected, a new arrangement of the Crown Revenues will of course be made—and as the civil expenditure will be curtailed, from the two Governments being blended into one, the surplus will be enlarged, and a sufficient fund will be created to devote to the purposes of a General Government.

The Legislature of New Brunswick have an ample treasury to furnish their quota if so inclined.

The question to be decided in the Province of Nova-Scotia is whether the benefits to be derived from such an Union would be commensurate to the outlay and additional expense it would entail. If the proportion to be paid by each Province is to be regulated, according to representation, the quota of Nova Scotia would be about £8,300. To meet this it is calculated in the first place that the Crown revenues, especially the fund from the Coal mines, will soon be increased. Considerable reductions will be made in the expenditure of the Local Government. The reductions in the appropriation to the Post Office—the Union of the Customs and Excise—the settlement of the Civil List by the payment of the salaries of the Judges out of the Crown Revenues, will yield a fund of some thousands per annum. If a better system of protection could be devised for the Western Counties, or some equitable arrangement effected with the Legislature of New Brunswick—and the latter would be one of the first results of a General Union,—a considerable increase would be made to the revenue. I have too high an opinion of the talented and upright men who now take the lead on the Legislature of our sister Province, to doubt that they would not frankly and honourably yield to a compromise of this kind, if once convinced of its justice.

The General Government could thus be supported upon the present scale of taxation and without entailing additional burthens upon the people. If however the views entertained of this scheme be correct,—if the benefits expected be derived from it,—Nova Scotia ought to be the most earnest for its introduction. Standing on the borders of the Atlantic and possessing a line of Coast broken by harbors accessible at all seasons,—with the Canadas closed on the one hand for six months, and the navigation of the Bay of Fundy embarrassed on the other, by the horrors of winter—with her Mines and fisheries,—she, of all the Provinces, will derive

‡ Return to the House of Commons, 29th June, 1836, of Lord Aylmer’s despatches by Sir George Grey, p. 36, 37.

§ Return of Canada Crown Revenues as above. p. 6, 9.

|| See Appendix to the Journals of the House of Assembly of Nova Scotia for 1838, Appendix 2. p. 34.

¶ See Lord Glenelg’s Despatch to Sir Colin Campbell, 31st October, 1839.

** Journals of the House of Assembly for 1839. Appendix No. 21, p. 35.

the highest advantage from this principle of centralization. All great improvements must point to and travel over the Atlantic,—the great roads—steam lines—whale fisheries—extensions of foreign enterprise and commerce would necessarily centre here, and our local improvement and prosperity, being blended with that of the vast continent in our rear, would create a fresh, generous, and animating impulse. It would lead to a more free and perfect, because responsible, system of Government—relieve the colonies from the dominion of our official factions, and make the Executives conformable, and not opposed, to liberal education, the free action of public opinion, and the spirit and intelligence of the age.

In the Debate* which took place in our Legislative Council at the close of last Session, upon the question of a union, which was made the *pretext* for sending two members of the body to London, the advantages of it were very ably put by its advocates. The main objection, insisted upon by its opponents, was the expense. Speaking, it really does appear, "*ad captandum*," it was asserted that it would diminish the importance of, and entail a heavy expense upon, Halifax. The estimate was £12,000. These fears ought to have no weight. If the proportion of the whole expense of the scheme, to be borne by Nova Scotia, be £8300; first, it would be a charge, not upon the Capital alone, but upon the Province in general. If derived from the produce of a general Colonial impost, the quota furnished by our population would then be infinitely less. If our revenue were protected by a more effective police—the rights of fishery guarded by a steam or cutter service, supported at the general expense—the revenues of our Western Counties raised, by equitable compromise with the neighbouring Province, to their fair proportions,—the funds so derived would, it is believed, twice repay the outlay acquired. Unless the argument be unsound, *Halifax, of all the Capitals in these Colonies, would derive the highest benefit, and receive the most rapid impulse, from such a union.* I advocate the best interests of Nova Scotia in this argument. From national advantages and local position our Capital would become the "centre point," as the Province would be the "centre," of every commercial speculation and improvement. The notes of our Banks, the policies of our Insurance Companies, the range of our enterprise, would be extended, from the limits of our own Province, to the wide Continent of British North America. Our Province is admirably situated for the promotion of local manufactures; bind the Colonies together—make us one Colony and one people—and these manufactures will be promoted by the combined energy and capital of the whole. The present differences in Colonial taxation—in commercial regulations—cramp and limit the intercolonial trade by narrow-minded and useless restrictions,—divide the Colonies from each other, and make the one jealous of the other's success. Unite them: the feeling is changed,—they become one great family, and all would then feel an interest in the prosperity of each Colony, as if it were one of its own members. Their taxes, their customs, their trade, their manufactures, their steamboats, would be the common property, and flourish under the kindly patronage, of the Federate body. But be the question beneficial or otherwise, the majority of the Assembly, and the thousands in this Province who support them, have ever been at a loss to comprehend how the majority of our Legislative Council could reconcile it to their sense of constitutional justice—that they, of their own accord and unsolicited, should have "Resolved"** to authorise His Excellency to send two of their members to London to oppose a scheme, which the Government had not sanctioned *then*, nor even up to the present time. It is a question in which the people and the Assembly have surely the deepest interest. Did it never occur to this majority that the House and their constituency should have been consulted, before any representations were sent from Nova Scotia, upon so momentous a project? Where was the necessity for their action? Why this precipitancy? Why not call upon the Province for an expression of opinion? Lord Durham has recommended that no union should be effected until the scheme had been submitted to the different Colonial Legislatures. The Imperial Parliament would not proceed in the Bill for the re-union of the Canadas, until it was submitted to, and approved of, by the Legislature of Upper Canada. The free discussion of this great question is entered upon by myself and others with less reluctance, because the belief is entertained, that it can be discussed without

danger, as the Maternal Government will not act, until our Legislatures are respectively and constitutionally consulted; and any views we may express will thus pass through the ordeal of patient, elaborate, and even party debate. The Mission was justly denounced in the debate as premature and uncalled for,—it was a measure offensive to, if not a direct invasion of, the popular rights,—a compromise, without authority, of the dearest interests of British North America; and hence by thinking men the proceedings of the Council on this measure have been regarded as the clearest proof, that the present majority of that body wished to send Deputies to London for other purposes than the *Union*; and raised up a creature of their own fancy, that they might resort to measures to secure their future ascendancy—their seats for life—and an *irresponsible* existence. They may defend themselves for this step within their own walls, and where they sit as their own judges; but the Province will judge for itself.

It was contemplated by Lord Durham that the expenses of the federal system would be chiefly derived from the sale of the Crown lands. They were to be united in a separate fund for this purpose; and by the introduction of a better system—by encouraging a wider stream of emigration and of capital, it was calculated that they would afford a sufficient fund to meet the necessary expense.

And lastly, the Imperial Parliament, with the view of introducing a popular and beneficial system of Government into these Colonies, and of extending to this hemisphere the principles of the Constitution, might be induced to aid the Lower Provinces by an annual vote, that the benefits of this great scheme might be fairly tested by experience. For the sacred rights of humanity, and to abolish the system of slavery in our West India dependencies, Parliament has not hesitated to appropriate the magnificent sum of twenty millions sterling. To subdue the French faction in Lower Canada, the Ministry and the Nation were prepared to meet the expenditure of what the Duke of Wellington termed, a "great war." To elevate us in the scale of freemen—to raise a vast Colonial empire—to correct the errors of the past—to make the British flag wave in this hemisphere over a British Constitution—Parliament might be prepared to aid us with a moderate contribution. If the union had once come into effective and wholesome operation—if its influence and advantages were felt and known—the Legislature, under the sanction of the people, would soon create the funds to perpetuate its own existence, until our different Legislatures were gathered into one great Assembly, and that Legislative Union effected, which many intelligent Colonists sigh to see accomplished.

Between the two questions I have discussed, my Lord, there is this broad distinction. *I do not assert that there is an imperative and immediate necessity for a Union—it may be delayed and canvassed*,—let the intelligence of the Provinces be addressed, and become familiar to the discussions it will agitate. If the views I have presented are sound, they will speedily take root and fructify. The improvements of the age will soon render us even better prepared for its introduction. The Steam Boat is about to work its magic on this Continent. It is the modern instrument of Commercial and social connexion. It plants along its pathways the arts, and scatters the productions of literature and science—invades *local* prejudices—breaks down national and provincial distinctions—and by promoting intercourse, and extending social relations, weaves and binds the human family more closely to each other. Let Halifax be, for a few short years, the centre point of steam communication—with lines extending over every radii of the circle—reaching to England in the one direction, and to Barbadoes in the other—with boats running to New York, St. John, N. B. Yarmouth, Quebec, Sydney and Newfoundland—and that general and more comprehensive knowledge of ourselves and Sister Colonies, and of our own destinies of future greatness, which this will engender, will create those sympathies and elements upon which a union can be more safely and permanently founded.

But as to the Constitutional principle of Responsibility, it admits of no delay. Its important bearing upon our political and social structure, has been already investigated,—and before closing these letters, I feel I would inadequately discharge my duty if I did not review and answer the leading objections which have been started by the Official Press, to the principles of "Responsible Government" and a Federal Union: my next and last letter will be devoted to this purpose—for it matters little, my Lord, however perfect and plausible the theory may be, if it cannot be reduced to

* See Debate in Halifax Novascotian, April 11, 1839.
** Journals of the Legislative Council for 1839, p. 101 and 102.

practice. If I cannot prove, upon constitutional principles, that Responsible Government may be introduced into the Colonies, without affecting our dependence on the Mother Country, these letters would be useless. I will confine myself, therefore, to the practical action of Responsibility in our local Governments, fence it within its proper limits, and illustrate its salutary and benign effects.

LETTER IV.

CONTENTS—Answer to the objections stated, against the introduction of Local Responsibility into the Colonies.—1st Principle said to be Republican, and hostile to British rule.—2nd, Principle although adapted for England, not for a Colony—Principle of Colonial dependence and self-government stated—Colonies *independent* in taxation and in the management of our local affairs—We only seek to introduce Responsibility over the regulation of the latter—Past differences between the Executive and Councils, solely on questions of local policy.—Objects of the Delegation from Nova Scotia.—Settlement of the Civil List proposed by Lord Glenelg.—Official Faction, not the House, wish to be independent.—This position illustrated.—No animosity felt to the Officers of the Government—Separate them from politics—The principle of Responsibility better for them and the Country.—Such principle would not make the majority of the House ascendant—Responsible to their constituents. Intelligence of the Constituency of these Colonies, especially of Nova Scotia.—If the majorities of the Council were of the same polities as the leaders of the Assembly, there would be less danger of violence and collision—They would consult, and pursue a common policy—Duty of the Colonial Minister lessened—Liberal party do not wish that their principles, and their recommendations should be a fatal bar to appointments to Office—Concluding address to Lord Russell.—Despatch of 16th October last.

To the Right Honourable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, &c. &c.

Halifax, November 1, 1839.

MY LORD,

In the three previous letters, I have endeavoured to illustrate, on Constitutional principles, the practical Responsibility which pervades the *action* of the Constitution in all its departments, in the Mother Country, and the irresistible and beneficial ascendancy, which the House of Commons—or, speaking, in abstract and philosophical language, *intelligent public opinion* enjoys in the Mother Country. This political doctrine is admitted by both parties in the Colonies; but it is asserted, by those who lead the Official Factions, that there is a distinction, so marked and insurmountable, between the people of the Colonies and their Assemblies and the British people and House of Commons, that it would neither be safe nor practicable, that the former should exercise the same privileges which the latter enjoy at home.

I intend to enquire into the soundness of this argument, and to exhibit the view entertained by the Liberal party *as to the extent of Responsibility*, which can be introduced into Colonial Governments, consistently with our necessary and beneficial dependence to the Parent State—with a due regard to the influence of the Councils, and to the support and protection of the Public Officers; for, my Lord, in advocating this principle, I pursue no personal nor constitutional warfare against them—give to the second Branch its just influence, but not an *irresponsible* supremacy; support our officers, but correct the abuse. If I do not misapprehend the tendency of the opinions here advocated, it is to place both our Councils and public Functionaries in these positions, that they may enjoy public respect and *moral power*; and be regarded as the friends, and not the opponents, of these plans of moderate Reform, and enterprise and improvement, which will push forward those fine and rising dependencies to that combined energy and prosperity, to which they are soon destined to come. Their progress and rise may be delayed—they cannot be prevented; nature has given them the materials of national wealth, and a spirit of intelligence and resolution is abroad among the people, gathering as it grows, to work up these elements, so as to promote their happiness, and secure their own just constitutional weight. Their march is *resistless—onward!*

I turn now to this great argument, and meet the objections in order:

1st, The principles of Responsible Government are called

Democratic and Republican principles, and are said to be supported by those only, who desire to see a termination to the British rule. That some in the Canadas, who entertain such hostile opinions may be supporters of the principle of Responsibility, I will not presume to deny; but that the wide Liberal party, either in Upper Canada or in the Lower Provinces, whose character and principles have been already vindicated, support this principle with any views hostile to British ascendancy, may be repelled as a foul and unauthorised slander. Their advocacy of it, on the contrary, springs from an attachment to the British Constitution; and, from the belief now widely spread and daily spreading, that, if the influence of the "Family Compacts" be not eradicated, and the evils of the present system redressed, they may goad the Provinces to some speedy and unhappy change.

2nd, It is argued, that however this doctrine of Responsibility is applicable to Great Britain, it is not fitted for a *dependent State*; that, however necessary its operations may be in England, it cannot be enjoyed in a Colony. If this position be true it leads to startling conclusions. They who propagate such an opinion, must admit, as a corollary, that we (the Colonists) cannot have the Constitution administered to us in its purity; that we may have the Constitution in semblance, but not in reality; that we are British subjects in name, but do not and cannot possess the inestimable privileges which belong to them. I controvert this position *in limine*; I repel it as a slander on the justice and generosity of the Parent State. Colonial dependence I understand to be this—that we are to respect the Revenues and Prerogatives of the Crown—that we are to have no voice in making treaties—in raising forces, or declaring peace or war—that we are to acknowledge the Supreme power of Parliament in the regulation of foreign commerce—and in those other matters, in which, if Parliament interfered, our Charters of Colonial freedom would not be invaded. To these features of dependence no objections are raised; the Liberal party esteem them no invasion of their rights as freemen—they promise to extend them profound respect and obedience; and even acknowledge them to be essential to the preservation of the Empire, and to give dignity and uniformity to its foreign policy and legislation.

But while these essential and necessary powers, vested in the Crown and Imperial Parliament, are acknowledged, we assert, on the other hand, that we have the right of taxation within ourselves,—and that our Legislatures are conferred upon us to create and dispense a revenue, and to manage our *internal affairs*, and even some of our *external*, so far as they do not clash with the supreme power and policy of the Parent State.

These are the constitutional lines of our dependence, and comparative independence;—we are dependent in some things; but, by the acts of the Imperial Parliament, and the principles of our Constitution, the right of self-government is conferred upon us in others. The language of the Colonial Minister cedes to the Colonies, in their legislation upon local matters, a virtual independence. The language of the Crown and the Minister is, "prosecute your own local policy—found your own Colleges and Schools—fashion and complete your own plans of local improvement—we shall not interfere. We wish to propitiate and content you. Agree among yourselves, and you may expect aid, and not opposition from us." The veto of the Minister and of the Crown upon Colonial acts, is retained and exercised solely for the purpose of preventing any Legislature from invading the prerogatives of her Majesty—the regulations of commerce, and the supremacy of Parliament. For these purposes the controul is retained and gladly submitted to. It is not sought to disturb or even to limit the constitutional veto or power of the Governors or Minister, as they now exist—the change applied for—is to create a local and popular influence upon the Councils,—and thus purify local legislation, and alter and improve the character of the advice the Minister and his Excellency receives.

In all local matters, our Colonial Legislatures are left to themselves. There is a clear and broad line of distinction between these, and the acknowledged points of our entire dependence, which can be traced by every Colonial Constitutional lawyer and politician. It is the apprehension of these distinctions, which removes all difficulty, in importing the constitutional principle of Responsibility into our local administrations. The "Liberal Party" wish to have the British, sound, and sanitary principle of responsibility introduced, so that it may bear upon those matters, in which the business and responsibility of self government is expressly conferred upon us. They seek to import the principle thus far,

nd no further. They wish in short for the future, that the people and their assemblies should not be controlled and thwarted, in that range of legislation which constitutionally belongs to them, by "compacts" or "factions," who have been in past times equally *irresponsible* to the people and to the Crown;—and have secured their ascendancy by packing their Councils with a trained and subservient majority. It was this anomalous feature in the constitution of the second branches, which induced Lord Durham to suggest that the Legislative Councils should be removed altogether.

Now, my Lord, I ask you if any Colony of the Crown in this hemisphere, (Lower Canada of course excepted,) has ever yet denied the rights and prerogatives of the Crown, or attempted to gainsay the acts of the Imperial Parliament. The exercise of these are no grounds of discontent, and have been the subject of no angry remonstrances. These rights and constitutional authorities are as generally admitted, and as cheerfully recognized, in the Colonies, as in the Parent State. The Liberal Party may have addressed the Ministry, and complained that some of these powers were injudiciously administered—that the Crown revenues were squandered—that her Majesty's officers have enjoyed salaries and emoluments which the country could not afford—that the surplus in the hands of the Executive was wasted in services of no public utility—that an act of Parliament bore injuriously against some branch of local industry, or foreign colonial trade;—they may have applied for change and improvement—but to deny the existence of those rights—nay, more, the absolute necessity of their exercise, in the very hands in which they now reside, would be regarded in the Colonies of British North America, as a political heresy, which would expose its apostle, wherever he appeared, to public contempt, if not execration.

It is not in these principles of our Government that we seek to draw to ourselves any increase of power—to transfer the responsibility from the depositaries in which the Constitution has wisely placed it—but we wish to introduce responsibility into the management of our local affairs, and to confer upon our houses of Assembly,—the representatives of the people—the same controul in the management of their own local concerns, which the constitution confers upon the Commons and the people of England, and which in fact our Constitutions are intended to confer upon us.

What are the questions, my Lord, on which the Executive and Councils of these Colonies have stood in collision with the majorities of the Assemblies—upon any one feature of Colonial dependence, as above distinguished—the prerogatives of the Crown—the authority of Parliament; no, my Lord, but because the former have resisted every attempt made by the latter, to introduce retrenchment and Reform into the *local policy and administration* of our local Governments; because they have dispensed the *local patronage*, so as to resist and reject the recommendations of those men, who, enjoying the confidence of the country and of the House, led its majorities; and have wielded their own powers, and compelled your Governors, sometimes in opposition to their own wishes, to place both the Resolutions of the Assembly, and those of the Colonial Minister himself, although written in language as clear as noonday, in defiance—not openly avowed, indeed; but still resolutely acted upon.

For example, the Colonial Minister, Lord Glenelg tendered in 1838, to the Assembly of this province, a surrender of the Crown Revenues, in lieu of a permanent Civil List. He submits the terms—his Lordship, in tendering them, says that the scale submitted is not to be considered as definite and determined—that the Assembly are the best judges of the amount an officer is entitled to receive; denounces the principle of giving extravagant Salaries to the public Functionaries of a young and comparatively poor Province like this; and recommends that the House may consider the proposal so tendered, and that her Majesty will be disposed to listen graciously to any suggestions her loyal Commons of Nova Scotia may think fit to offer. The House, thus invited, enter upon the discussion—they follow the course suggested by the Minister—they discuss the List as submitted—and apply for some alterations, and return it to his Lordship, accompanied by a loyal and respectful address, soliciting, as they certainly had a right to expect, whether right or wrong, her Majesty's kindly, if not favourable consideration. Mark the consequence. A party here open their "war of influence" against all the measures of the Session. They attack the resolutions and policy of the House. The Legislative Council, in opposition to all Constitutional rule, step in and pass a set of resolutions, on the last day of the

Session, and of which, at the time, the House knew nothing. Now, if the House had no right of enquiry, and no power of revision, why was the question of the Civil List submitted at all? In exercising this judgment, they did nothing more than the Minister had himself solicited. If they did not accede to the proposals made, as one party to a public bargain, they were still entitled to respect. Did they receive it from their opponents? Their Civil List was returned, not rejected only, but increased, and accompanied, (blending several other questions along with it,) by a Pamphlet of Despatches, defeating every measure of reform and improvement the House had recommended. The majority were smiled at by their opponents—they became indignant—took their stand, and sent their Delegation. Permit me to ask your Lordship, who was Responsible for the Despatches of Lord Glenelg, submitted to the Legislature in 1839? You will answer the Minister by whom they were written. The House of Assembly think differently—they attributed the change of purpose and of feeling, exhibited in the Despatches of 1838 and 1839,—for they are clearly inconsistent,—to those who misled him. To have cast the blame on his Lordship would have been repugnant to their sense of justice. Had the question stood alone—had moderate concessions been made to the House—had the party in opposition, been less vehement and virulent—had the Legislative Council not improperly interfered—the question might have been satisfactorily adjusted both to the country and the parties concerned.

I approach another subject, and the leading grievance of this Colony, which the House of Assembly sent a delegation to redress—I allude to the constitution of the Executive and Legislative Councils. The complaint of the House is, that the majorities of the present Councils are more opposed to liberal principles and public improvement than even the majority of the old Council—that they were constructed for the purpose of thwarting the influences of the popular party and the majority in the Assembly—that a portion of the members were selected, in direct opposition (for some are highly acceptable to the country) to the clear and positive instructions of the Minister. This subject has been fully investigated by Mr. Howe in his pamphlet on Responsible Government, and in the address and resolutions of the House to the throne. *What connexion I ask your Lordship has this subject and grievance with our fealty and dependence on the Parent State?* The House assert, that both their wishes, and the positive commands of your Lordship's predecessor in office have been disobeyed,—that a local faction has stepped in, for their own purposes, to destroy the constitutional influence of the Assembly and disobey the Crown. The argument of the faction recoils keenly here upon themselves. It is not the House, but they who seek for entire *independence*. The majority of the House acknowledge the power and the justice of the Colonial Minister, by a sober and moderate appeal, and the opposition raised by the official faction to the passage of that appeal—their resistance to the delegation of the Assembly—for, be it covered as it may, their language was simply this—"We, if we can, will not give you a fair and impartial hearing before the Colonial Minister,"—is a clear proof that they, and not the liberal party, are the advocates of *local* independence,—for local irresponsibility, on the part of the Executive and the Councils, is the principle of local independence to them. And this, my Lord, is the real ground of their objection to the introduction of Responsible Government in these Colonies.

Again the question of free ports, and the regulation of internal postage, are purely matters of domestic concern. The official body have controlled the action and wishes of the House for years upon these two questions. On an appeal being made to the authorities in London, the evils complained of have been at once redressed—the appeal graciously and frankly met. The requests were admitted to be just and rational—the Board of Trade and the Chancellor of the Exchequer disapproved of the policy both of the Council and the Executive; and these grievances have thus been sustained, and their removal prevented, by what?—a local and *irresponsible* influence, acting in opposition to the opinion of the country and the justice of the Minister. If these questions have created discontent, who have been its authors?

To conclude then, my Lord, what means this doctrine of Responsible Government, and to what practical consequences will it lead?

All our past discontents, and our appeals to the Colonial Office, have arisen from the construction of our second Legislative branches. The remedy is easy and simple. *The root of responsibility lies in controlling them.*

Select a Council in Nova Scotia and in the other provinces, composed of men, fairly representing all parties and sects, interests and opinions, *possessing the confidence of the country and of the House*. Follow out the impartial principles laid down by Lord Glenelg, in his despatch to Sir Colin Campbell, which, in fact, was framed so as to give to us the practical benefits of the British Constitution—to make our Legislative and Executive powers bend to the force of public intelligence and opinion;—and you will find that the Assembly and people of Nova Scotia have not been discontented without a cause; and, that it is their devotion to the forms and spirit of the Constitution, which has led to their recent addresses and delegation. They wish, my Lord, to keep their pathway to the throne free of a party, who interrupt the rays of Royal favour, and would secure its sunshine only to themselves. Fix your Governors' salaries by a permanent arrangement, so that they need not fear the liberal party on the one hand,—nor court the official body, who have been ever the enemies of retrenchment and economy, on the other. With Councils so framed, the *irresponsible* power of the factions would be at an end. If they had not absolute controlling power in the Upper Branch, or in the Colonial Privy Council, to resist, *free of all responsibility*, the constitutional powers and rights of the majority of the Assembly, they would court its influence, and the support of intelligent and impartial men, by a discharge of the duties of office, free from political bias. Tell your Governors that the favour of their Sovereign will depend upon their administering our Governments, so as to secure the support and approbation of the people. Advise him to call to his Councils, and to seek advice from the liberal and popular party, as well as from their opponents; to dispense his local patronage, so that it may sustain and render triumphant in these Colonies those free and liberal principles, which have led your Lordship and your party into power; and which, when introduced here, will purify the Councils—content your Houses of Assembly; reduce the duties of the Minister within the compass of his powers; and bind the Colonies to the Parent State by bringing them under the free, the generous, and healthy action of that great Constitution, which your Lordship and the Whigs have so long laboured to improve.

Introduce Responsible Government—say the officials and you give the majority of the House the ascendancy. This assertion is untrue. Certainly not the ascendancy in those features of our charters in which we are *dependent* upon the Parent State; not in the appointment of his Excellency and in the exercise of the Royal Prerogative—not in declaring peace or war—the general regulation of the Post Office—the taxes imposed upon foreign commerce—the management of the Custom-House,—these they do not seek to disturb; there is not one of these principles which has not been recognised by our Legislatures, and is to be found expanded in our local Acts. But why should they not have the same influence as the British House of Commons, over all affairs and branches of legislation which appertain to the Provincial service? *Why call a House of Assembly together at all, if they are to have no power?* Of what use is their legislation, if it is not to be soundly administered? The official parties connect the office and the man—the institution and the abuse—the political powers of men in office, with the office itself. The liberal party separate them. They say to their public functionaries, “Enjoy your offices and your salaries in peace. We do not attack you—it is the system. *You are not entitled to a majority in the Council*, because, by possessing it, you interfere with, and engross to yourselves, both the legislative and the administrative action of the Government, if we wish to introduce reform in any public department. You thus enjoy a power, which, from being irresponsible, interrupts the progress of enquiry, and enables you to resist us to defend yourselves.” The Assemblies wish to enjoy that necessary controul which is consistent with the constitutional relations in which you stand—the House as the guardians of the people, and you as its administrative officers—which is calculated to deprive you of all moral power—the personal regards which, under a better rule, you would universally enjoy—which leads to bitter personalities from the press,—makes the Provinces discontented,---shakes the confidence of the people in their rulers,---severs our kindly and social connexions, so essential to private happiness; and weakens the ties which bind those Colonies to the Parent State.

Let them, the majorities of the Councils, (for I speak here of Councils composed upon the impartial principles de-

scribed by Lord Glenelg) and the Assembly, who enjoy the confidence of the people, who represent the intelligence and property of the Province—be the “*deliberative*” power, *leading the Executive by the only safe and constitutional guides*; and you occupy your proper positions as the *active or administrative officers of the Government*, performing those important offices which the law and the Constitution prescribe. Confine yourself to the range of your own duties—the House will sustain and respect you. We say the liberal party in this Province, have no personal animosities to gratify; we do not wish to injure you; our desire is to change an ascendancy which leads to bitter heartburnings and to gross injustice. It is this only which the liberal party desire; and, I advocate the system, thus earnestly, because I believe it will ultimately promote the happiness and honourable influence of the officers themselves, (for no man, and no body of men, can be happy, even in the enjoyment of *irresponsible* power, if exposed to daily attacks and abuse,) as I am certain it is essential to the continuance of the British connexion.

Having thus shown that the principle of local responsibility can be introduced into Colonial Governments, without touching our dependence upon the Parent State, or even interfering with the proper influence and compensation due to the public officers, I come now to review a difficulty, which has been suggested by some who are sincerely anxious to see the principle reduced to practice, if it can be done with safety. If this power be vested in the House of Assembly, suppose they do wrong—suppose they adopt a policy of which the intelligence of the Province would disapprove—are the Government and the Council to be subservient to them, and must the latter, upon the will of the House being declared, be so moulded as to yield to the majority. Now, to meet such an extremity, the Constitutional powers which the Executive possesses could be called into exercise—the House could be dissolved—the constituency appealed to—the House could be made *responsible* to their electors, and if their policy and measures were disapproved of, his Excellency would be vindicated,—the intelligence of the Province would exert its constitutional influence, and a dangerous assumption of power, in the leaders of the Representative Branch, would thus be speedily and constitutionally redressed. The Crown has often had to exercise this branch of the prerogative over the House of Commons. Of late years, at the change of a Ministry, or at the passage of some great question of national polity, a dissolution has been resorted to, to “*try the sense of the country*.” The responsibility of the House to their constituents may thus be brought to bear upon a violent majority in an hour; and let it be remembered, that the same party who have sought to extend the principle of responsibility to the official faction, have laboured also to increase their own, by the passage of the Quadrennial Bill.

But in meeting this objection, it may be fairly argued that from the present state of political feeling—from the spread of political knowledge and enquiry—from the publication of the debates in our House of Assembly,—and from the power which the Press unquestionably exercises over elections—there is less danger now, than at any previous time, of the majority of the Houses of Nova Scotia, New Brunswick and Upper Canada, running counter to public opinion and the intelligence of the Province. They are fully alive to the *responsibility* which attaches to them; and will be more careful now, than at any former period, to avoid measures which would lead to a dissolution and a change of leaders. By introducing responsibility, there would be less danger of thus resorting to extreme, and yet constitutional remedies.

It is offering only a just and deserved tribute to the constituency of these Provinces, to say, that the Executive Government, if conducted upon upright and constitutional principles, may rely, with absolute certainty, upon their sound apprehension and capacity of judging between what is right and what is wrong. They know well the extent of their political obligations, and can draw the line of demarcation, between the moderate and the democratic, quite as astutely as the electors at home. If a majority of the Assembly attempt to push the popular principles too far, and to trench upon the sound constitutional rights of the Councils and the Executive, an appeal by the Crown to the justice of the country would be met by ready redress, and a constitutional triumph. There are few people in the world distinguished for more shrewdness and sterling common sense—deliberate in resolution, and cautious in action—than the population of these Provinces, and especially of Nova Scotia. They have never yet been seduced into any

violence; and their patience and forbearance under past grievances, is the best guarantee that they are not prone to excesses; nor likely to yield to excitement, until their judgment in political knowledge is intelligibly addressed.

With the principles of responsibility, there would be less danger of excesses, than without it. And why—because in the past, our Colonial Government have been so constituted, that the two deliberative branches of the Legislature—the Assemblies and the Councils—have been carrying on a legislative and political warfare against each other. Suppose the Executive and Legislative Councils in this Province, in place of being under the control of a majority, who are directly opposed to the popular measures and wishes of the House, had been composed upon the principles of Lord Glenelg's despatch, and each had a majority who concurred in the policy of the House of Assembly—who were favourable to the extension of free ports—to moderate retrenchment in our civil expenditure—to the union of our Customs and Excise—to the savings in the Post Office—to general and liberal Education—who would select men for office from their capacity to perform its duty, and not because the applicant was of their party*—who soothed and

gratified the leaders of the House, and allowed them their proper influence, in the Local Government, by soliciting their advice and acting upon their suggestions, in nominations to office—would collisions be so likely to arise, or be so frequent as now?

Will public peace and genuine loyalty, my Lord, be promoted by a steady resistance to popular measures and the punishment of popular men? The pressing evils of the present system are, that there is no union and no harmony in legislation between the Assembly and the Councils. Construct the latter differently;—let public opinion and the popular influence have their just sway upon their action. Let the leaders of the popular party in the Assembly be sensible that the leaders in the Councils will not oppose them, *solely because they are "popular" men, and enjoy the confidence of the Province*—but will support and carry their measures, if their measures be moderate and judicious in themselves; and the consequence would naturally be a closer union and reciprocal action between the leaders of the two bodies—they would modify their measures to meet the views of each other—we would then have the control of two separate branches, and the Government would be conducted with far less danger of violence and collision, than is naturally fostered by the present absurd and pernicious system. The ascendancy of such principles would give a new impetus to public prosperity—political enterprise, consistency and honour would rise in higher esteem, because followed by the possession of personal influence—public men would labour to promote the public interests, because they saw then the promise of their reward; and your Councils and the lean phalanx who adhere to them, would soon be

* In support of the expediency and benefit to be derived from a reconstruction of our Executive Council, there is a distinction stated and illustrated by Mr. Macaulay, in his speech to the Electors of Edinburgh, in May last, which has peculiar significance and import. I ask the country to read this extract with deep attention:—

"There is a common error—it is one that I should not be surprised to find even among the respectable body that I now address, for I have found it among men not only of education and good abilities, and, generally speaking, enlightened views, but also exceedingly conversant with public life—I allude to the common error of thinking that in politics legislation is every thing and administration nothing—(Hear, hear). Nothing is more common than to say, "Well, here is another session gone and nothing done—no new bill carried—reform still at a stand—the Irish Municipal Bill stopped in the House of Lords, and no measure brought in for shortening the duration of Parliament; how could we be worse off if the Tories were in?"—(Hear, hear.) Why, my answer is, that if the Tories had been in, you would have of course retained those laws which are vicious, and you would have had a vicious administration of them into the bargain—(Hear). It seems strange that people should not be aware that it is often better to have an unreformed system of laws administered in the spirit of reform, than a reformed system administered in a spirit hostile to reform.—(Hear). We often hear the saying, "Measures, not men;" and it is an excellent saying in one sense. Men are not to be supported nor opposed on personal grounds. * * * * *

But it is most absurd and pernicious to imagine, that as long as laws remain unchanged, it is of no consequence who administers them. Laws are a mere dead letter until some human agent puts life into them; and we must leave a great deal to the discretion of those who execute them. This is the case even in judicial matters. Construct your code as you may, is it of no consequence whether the laws be administered by a Judge Hale or by a Judge Jeffreys? and can you doubt that a still larger discretion must be left to the Ministers who administer the government of the country? A Judge, you are aware, is much more strictly tied up by rules than a Foreign Secretary, or any executive minister. It would be easy to point out societies in which, with numerous bad institutions, a good administration of the government, had made the people happy; and, on the contrary, other societies in which, though the institutions looked well on paper, and appeared in the abstract unexceptionable, yet a bad administration was grinding the people to the dust. We need not go beyond our own country to seek instances in which a good administration has made bad laws tolerable. Look at the state of the English law with regard to political libels. I hold that law to be a scandal to civilized society. Nothing, I will venture to say, more absurd is to be found in the whole history of jurisprudence—(Loud cries of Hear, hear.) We all know to what extent this law was abused by Lord North, by Mr. Pitt, by Mr. Perceval, by Lord Liverpool, and, I am sorry to say, by Lord Abinger under the Administration of the Duke of Wellington and Sir Robert Peel—(Hear, hear). Now, will any man say that this law has been abused in one single instance by the Government of Lord Melbourne? This government is in no way of enemies the ministers have had their share of

maligners, both Tory and Radical; but will any man say that this Government, so virulently assailed, ever abused this law, or filled a single unjustifiable *ex officio* information? And why was this? Has the old law been modified? Not at all. It is still the same law under which Perry was tried for writing that George the Third was an unpopular king, and Leigh Hunt punished for writing that George the Fourth was fat, and under which Sir Francis Burdett was imprisoned for expressing, not certainly in the best taste, his very natural indignation at the proceedings in Manchester in 1819. But if that law had been completely remodelled, the press could not have enjoyed a liberty more entire than it has enjoyed ever since Lord Melbourne came into power—(Cheers). This is an instance of the power of a good Administration to mitigate bad laws; but look at the immense importance of having a good Administration to execute good laws. An excellent measure was brought into the House of Commons by Lord John Russell in 1828, and passed; and to any other man than Lord John Russell the carrying through of such a measure would have been an enviable distinction. But Lord John Russell has higher distinctions still. He brought in the Reform Bill, and he brought in the Municipal Bill. Yet even among his titles to respect this law ranks high. I speak of the law for repealing the Test Act—(Loud cheers). Well, the Duke of Newcastle thought proper—I have already had occasion to mention his Grace, and really I must say that no life is richer in illustrations of all the modes and forms and branches of misgovernment than this—to re-enter the Test Act for the county of which he was Lord-lieutenant—(Laughter). His Grace announced, to the great surprise of the Government, that he would not recommend a certain gentleman to the Commission of the Peace of Nottingham because he was a Dissenter!—(Hear, hear). So here is a good law passed; you have a Tory Lord-lieutenant, and he repeals it so far as regards the county of Nottingham. But if you have a Tory in Nottinghamshire, you have Whigs in Whitehall? They put the Dissenter into the Commission, and they turned the Duke out of the Lieutenancy.—(Loud cheering.) Now, do you seriously imagine that a Tory Administration would have done so? I believe not."

The liberal party here wish to turn out the Duke!

Our House may pass wholesome and liberal acts, they may recommend independent Magistrates, they may request the Governor, in selecting the Commissioners of Schools, to favour no particular sect,--of what benefit to the country will their legislation and advice be, if his Excellency have a Council at his right hand, having a majority leagued to one party—determined to support one faction; and thwarting all legislation, and every popular measure, by putting the administration into the hands of men who will either cramp or prevent a liberal and beneficial operation of them.

thinned of those gamblers in politics who have deserted the popular cause to which they were once attached,—because, as some of them have avowed, a longer adherence was too great a sacrifice for their political virtue. I have in these letters, my Lord, carefully refrained from referring to personalities or names—but if I am put upon the defensive, I can refer to three leaders of our House of Assembly—returned by large constituencies—of superior talents—blameless in their private lives,—and daily leading majorities in our Representative Branch— who for years have been forced to confess to their friends, who were applicants for office, that they would be glad to aid them, if they had the power; but experienced had taught them *this lesson*, that if they recommended them, the appointment on that account alone—because they were such leaders—would not be conferred.

* * * * *

My Lord, I pause here—if a system of Government can be lasting which is administered in opposition to the public intelligence; and aggrandizes a faction, composed of a few at the expense of the many—which works to check the growth of public economy and improvement, and to restrain the progress of mind—if the British connexion can only be preserved by creating those discontents which have burst into rebellion in Canada, and occasioned the expenditure of millions to quell political outbreaks,—Continue this system, and tell the Provinces you will not confer upon them an Administration, which, according to the British rule, is responsible to them. *Say to them in other words, you are determined to uphold the Official Factions and Family Compacts, and to put the people at defiance,* No, my Lord—the party to whom I belong, respect your public character too highly to believe, that, after patient and deliberate enquiry into this question, you will adopt such opinion, or address such language. Upon this great Colonial question, we think you have been misled. You were too eloquent and too powerful an advocate against Responsibility, not to be sought by all the arts which our opponents have at command. But, my Lord, truth is mighty. Its march is triumphant. The Colonial public place the fullest reliance upon your sense of justice. You have now before you the argument upon which they seek for the introduction of the same principle of responsibility, which is ascendant and supreme in the Government at home, so as to bear upon their local affairs. They feel that it is their right. Their Charters confer it upon them. If convinced, they know that you have sufficient dignity of mind to acknowledge yourself to be a convert to their views; and be assured, my Lord, that you will best promote the greatness and integrity of that Empire, over whose destinies you now wield so powerful an influence, by conferring, upon the Colonies of this hemisphere, a form of Government, which will promote the prosperity and secure the affections of the people; and translate us from being foreign and distant appendages, to being integral parts of the United Kingdom—enjoying the benefits of the same Constitution, and flourishing under the progressive and healthy action of the pure and generous principles of British freedom.

Upon the Union I shall touch at some future and not distant time. I have the honour to be, my Lord,
Your obedient servant,

GEORGE R. YOUNG.

Halifax, January 20, 1840.

These letters were prepared for the press before your Lordship's Despatch of the 16th of October last, addressed to His Excellency the Governor General, was published by authority, or known in the Colonies. This despatch and the liberal construction given to it by His Excellency Sir John Harvey, in his printed Circular, gives an entire new aspect to this constitutional argument. It is a clear and decided step, on the part of the Ministry, to the introduction of Responsible Government, by giving to the Governor the means of remodelling his Councils, and of reforming the entire structure of his Administration. No Governor need now fear or quail under the power and controul of any official faction or Family Compact; who, from holding majorities in the two Councils, could first thwart, and then subdue him. He can destroy their unconstitutional ascendancy in an hour. For the peace and prosperity of his Province the Governor must now be held responsible. He cannot defend himself, by pretending he has been misled or counterworked. If he approve of the measures of the House, by being made superior to, and not dependent upon, an official faction, claiming office and legislative powers by a kind of hereditary right—he can carry out these measures, and give them both a legislative existence and administrative efficiency, in controlling both Councils, by the exercise of the safe and constitutional corrective of altering their majorities. With these powers in the hands of a firm and intelligent Governor, he would at once correct the evils of the past, and give us a system of Government essentially *responsible* and *British*. Your Lordship has now only to go one step further, (if in your private Despatches the command has not been already given,) to direct your Governors to act upon the powers which has thus been conferred. Sir John Harvey has declared his policy boldly and without reserve. This Despatch, framed in accordance with the excellent speech of Mr. Hamilton Merrit, has done its work in Upper Canada. It has carried the Union by a triumphant majority, and broke the spirit of the Family Compact. Apply the same principle to the construction of the Councils here, and you will find, my Lord, every discontent disappear—the Civil List settled—the Councils and House move in harmony—and several of those who agitate and fight the battle of the Constitution, glad to seek the peace of private life—glad to retire from the angry bickerings of party politics,—and rally round the Queen and her Minister and officers, whom they are now accused of assailing.

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